

The Cornwall Council Planning Charter

**Working together on major planning applications
using Planning Performance Agreements**



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Cornwall Council is committed to encouraging new investment and community regeneration. We want to ensure that major planning applications are dealt with in a timely and effective way.

We recognise that successful delivery of strategic developments and key regeneration projects requires better communications with developers, 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 communities and this will enable us to maximise the potential benefits which a development can bring and 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.



Mark Kaczmarek
Cabinet Member for Housing and
Planning

Working together on major planning applications

Our Approach

The Planning and Regeneration Service of Cornwall Council is committed to dealing with major planning applications in a timely and effective way.

The Council promotes the use of pre-application discussions for all proposals. However, for some proposals entering into a Planning Performance Agreement (PPA) is encouraged as they provide bespoke ongoing advice. Further details of PPAs 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, which type of developments qualify, the benefits to all parties and details of the costs involved when entering into a Planning Performance Agreement.



Proposals qualifying under the charter

Planning Performance Agreements are one useful approach of good development management and can be applied to any development but are especially suited to large scale, complex schemes which include the following:

- schemes above 10 residential units or above 10,000 sq m of commercial development
- large scale mineral operation
- large scale waste management operation
- a large scale renewable energy operation
- 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 such as Strategic Investment Frameworks (SIF) and Private Finance Initiatives (PFI) developments or programmes
- complex proposals
- 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
- proposals that would have significant impact on existing communities and so require extensive consultations or the involvement of many different stakeholders, interest groups and statutory agents
- other major and/or complex proposals that are considered unique to Cornwall
- 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 eg: renewables

Any type of application could be considered for a PPA but this would be discussed at the initial contact meeting to establish the benefits.

Potential benefits of a PPA

Nationally local authorities and planning applicants 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;
- greater accountability and transparency;
- improved partnership working; and
- continuity and consistency from LPA officers

We will be collating feedback from our PPAs to ensure that they are providing value for money and are adding value to the process.

Timescales

The council will be aiming 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.

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.

Some large scale major applications are more complex schemes. Therefore it is unlikely that these will be determined within the 13 week government target as they are likely to be decided by the Planning Committee. Developers will be 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.

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 local 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

Your proposal

It is important to note that when entering into a PPA that this does not guarantee an approval of planning permission. 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.



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.



Costs

A PPA sets the projects tasks and allots resources against them. In terms of council resource this is predominantly planning 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
- Planning liaison panel meeting
- Technical briefings for members
- Community engagement

The scale of charges is currently set at £43.00 per hour plus VAT. The power to charge for discretionary services and recover costs

The Planning Application Process Using Planning Performance Agreements (PPAs)

What Cornwall Council will do

1 Provide timely initial advice from a senior planning officer

Help to ensure your application is complete and ready to submit

10 Arrange Councillor and stakeholder briefing

Set up a system to monitor planning conditions and S106 obligations

2 Stress the importance of early community engagement

5 Formally register the pre-application submission

Pass on third party representations received

Time manage the process by:

- * Consulting with neighbours and consultees within two weeks
- * Offering an opportunity to present the application to relevant officers within three weeks
- * Contacting the applicant if more information is needed within four weeks
- * Holding a first review meeting to discuss & establish any outstanding issues that need resolution before the application is determined within six weeks

Apply the resources to ensure applications to discharge conditions can be determined within agreed timescales subject to receipt of the correct information

3 Encourage the use of a Planning Performance Agreement

6 Arrange consideration by the council's design review panel and/or planning liaison group (if appropriate)

7 Assist with communication with the relevant community groups and stakeholders

11 Provide liaison and discussion with external consultees

Monitor implemented developments to ensure compliance with approved plans/conditions

8 Provide links to building control

12 Identify amendments that could address issues including planning obligations

Initial Approach

Pre Application / PPA Process

Application

Post decision

What Developers will do

Undertake pre-application community engagement at the earliest possible time before specific proposals are made and when significant options are still open (2)

Enter into a Planning Performance Agreement (PPA) (3)

4 Take into account the key policy or strategic issues at the outset and be responsive to council officer advice

9 Meet the validation requirements to enable applications to be registered expeditiously

13 Submit a Community Involvement Statement

14 Assist with additional consultation

Work with the Council on any S106 agreement as early as possible

15 Respond in a timely manner to production of additional information

Recognise that occasionally additional issues will arise from the consultation responses which may impact on previously agreed timescales, and respond positively

Work with the council to manage the discharge of conditions including the provision of the necessary information

Please note: The tasks set out above will to a degree depend on the scale and nature of the project but also the willingness of the developer to agree to engage in all the tasks identified.

Explanatory notes to the Process Diagram

1. An initial meeting within 7 working days with a senior planning officer will offer the opportunity to discuss the proposal (providing basic information is submitted such as a site location plan and the general parameters of the proposed development). The meeting will identify if a PPA can be offered for the proposal.
 2. The council will assist and signpost developers to relevant contacts but a good source of information can be found in the council's **Statement of Community Involvement** which can be viewed at www.cornwall.gov.uk/planning.
 3. Outline the benefits of using PPAs for appropriate proposals.
 4. Advice on the council's relevant local planning policies and emerging policies will be given.
 5. Subject to the receipt of the information agreed during the initial meeting and the appropriate fee for the PPA.
 6. **Cornwall Design Review Panel** is independent and draws on a pool of design expertise from outside the council but with assistance of Council Officers.
- The purpose of the panel is to encourage design excellence in both the public and private sectors. **Planning Liaison Group** is a collection of officers both within the Council (Planning, Transport, Environment Services) and outside the Council (Highways Agency, Environment Agency etc) who come together to review emerging development proposals. The purpose of the group is to provide feedback at an early stage that will help to improve the quality of the proposal and in turn help reduce the likelihood of objections being received to the proposal at application stage.
7. The planning officer to give advice to the developer on the level of pre-submission community engagement with community groups and stakeholders.
 8. The council's own building control and extended services team can provide information on building regulations and other specialised services which include fire risk assessments, SAP and SBEM energy calculations, air pressure and acoustic testing. For further information go to www.cornwall.gov.uk/buildingcontrol
 9. Officers will assist in the interpretation of the council's application validation requirements, further information can be found at www.cornwall.gov.uk/planning
 10. Facilitate presentations of the proposal to council Members and stakeholders if identified in the PPA.
 11. Such as Local Town and Parish Councils, Environment Agency and English Heritage etc.
 12. The council will provide a draft s106 obligation where possible or provide model templates for a unilateral undertaking. For more information go to www.cornwall.gov.uk/planning
 13. Setting out which groups and other stakeholders were involved, the issues raised at each stage, how these have been responded to and if not, why not.
 14. Facilitate, in agreement with the council, any consultation required after the application has been received. This may involve public meetings/exhibitions.
 15. Make any amendments, or send additional information requested, in accordance with timescales set out in the PPA or to enable a determination within 13 weeks.

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

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 is more appropriate for the proposal.

Stage 2: Scoping and inception

The scoping and inception stage will include the following:

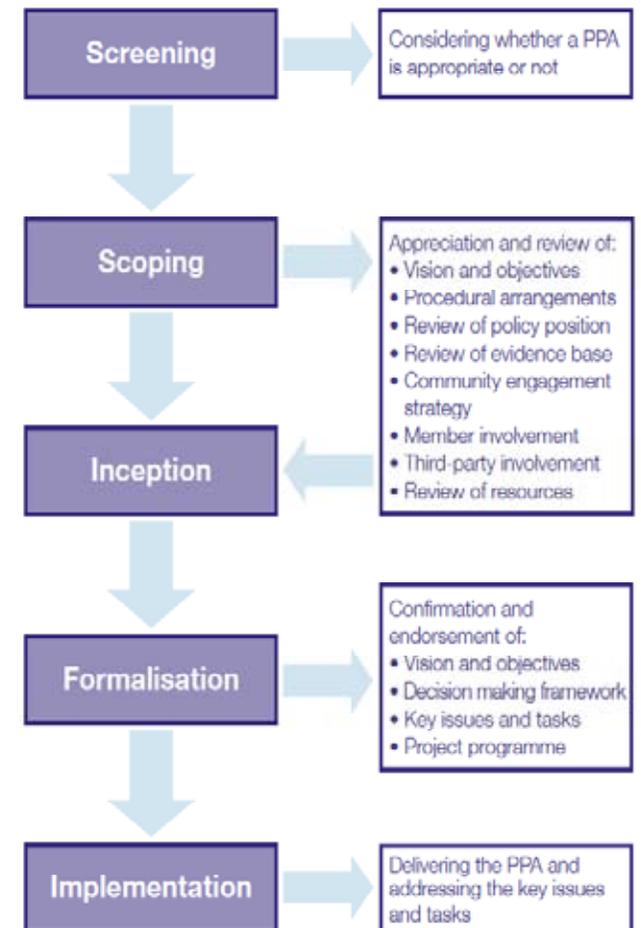
- Scope out the vision and objectives
- Specify the PPA fee required and the developer to pay the required PPA fee
- Review of resources available
- Review of evidence base

- 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

Stage 3: Formalisation and Implementation

The formalisation and implementation stage will include the following:

- Formal agreement and sign off of the PPA by all key stakeholders
- Delivering the PPA and addressing the key issues and tasks





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All enquiries regarding this document should be directed to Development Management

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