



Isle of Wight

Planning Performance Agreements

Guidance Note

Introduction

The Isle of Wight Council has adopted a development management approach to the facilitation of major development and sustainable growth across the Island.

Why Use a Planning Performance Agreement?

The IW Council has introduced a formal chargeable service for pre-application planning advice. The introduction of this approach is to provide a consistent and focused service. The council recognises the importance of pre-application advice and that this approach can be adapted to facilitate major developments 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.

The agreement embraces the planning process from pre-application advice, through to the submission and determination of a planning application and builds in a review process to ensure that realistic targets are set and achieved.

Pre-application dialogue between applicants and the IW Council is a major component of the PPA process. As part of the council's adopted pre-application charging process a 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 (where appropriate);
- 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 (where incorporated into the PPA).

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 the Head of Service who will then allocate to an appropriate principal officer as the "case officer".
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, discussion and review, Determination and Pre-Construction Sign Off (where incorporated).

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).

The Council's Structure & Project Team Approach

The council is committed to co-ordinated cross-departmental working involving internal and external stakeholders (where they do not have a separate process already in place to facilitate pre application advice). An approach to the IW Council concerning a large scale or complex development project will initially be through either the Planning Department or the council's Economy and Tourism Services 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 Development Team Leaders and the Head of Planning & Housing Services. This group will involve officers from other departments as necessary.

For those projects affecting high profile sites and/or those projects with a council interest, as landowner, it is likely that the council's Assets Team will co-ordinate the initial contact and assign their own Project Manager, with resources being offered by the Head of Planning and Housing 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.

Either way, the makeup 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 case officer will be responsible for project managing the planning application for the Local Planning Authority alongside the applicant's project team who will be responsible for developing the application, whilst ensuring corporate delivery within agreed timescales and the continual communication to Council Members, as appropriate. 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 consider in detail the requirements of any planning obligation. 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 process. 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 the local planning authority to a final recommendation, nor the 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.

External Stakeholder Input

Other stakeholders from partner organisations are likely to be involved in the process and whilst these organisations and stakeholders may have their own pre application processes, the council will aim to secure adequate and timely consultation with partner organisations where possible, 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 and any relevant national guidance. 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 Committee

The council's constitution sets out the approach to decision making for planning applications. Decisions on planning applications for large scale, complex and politically sensitive developments will be likely to be made by the planning committee, in accordance with the requirements of the council's constitution.

The case officer will, in agreement with the applicant, facilitate the engagement of the affected ward councillors and other councillors as appropriate. In most cases this will normally take the form of a pre-arranged short presentation by the applicant followed by a question and answer session. The appropriate meeting for this presentation will normally be agreed as part of the PPA programme and should 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 relevant issues and with experience of delivering proposals in accordance with a plan-led approach to 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 adopted charging system explains that the fee for applications with a PPA will be levied at 10% of the final full planning application fee with an initial £700 taken when the PPA is signed, and the remainder payable at the planning application stage. A schedule for payments to be agreed as part of the PPA. The fees will be calculated on a not-for-profit basis.

The Planning Performance Agreement

Project Description

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

The site & 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 the Isle of Wight 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*

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 Meeting		
Application	Community Engagement	(to be agreed)	
	Presentation to the Planning Panel		
	Formal IWC Pre-Application Response		
	Planning Application Submission		
	Consultation & Notification		
	Feedback & Scheme Amendment		
	Planning Committee Determination		
Post Decision	Completion of s.106 Legal Agreement		
	Target 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 that shall include an initial payment of £700 with the completion of this PPA.

Signed and dated on behalf of the Isle of Wight Council

Signed and dated on behalf of the Applicant

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’s 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 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.