



BASILDON BOROUGH COUNCIL
PLANNING PERFORMANCE
AGREEMENT (LOCAL PLAN SITES) CHARTER

INTRODUCTION

Planning Performance Agreements (PPA's) allow a developer to agree a project plan with the local planning authority for determination of a planning application from pre-application/inception through to the issue of a decision and the subsequent discharge of conditions, together with identifying the necessary resources to enable this.

Paragraph 46 of the National Planning Policy Framework advises that:

“Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process”.

Planning Practice Guidance advises that:

“A planning performance agreement is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage. Planning performance agreements can be particularly 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 can also help to bring together other parties such as statutory consultees. A planning performance agreement is agreed voluntarily between the applicant and the local planning authority 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”.

Whilst in principle, Planning Practice Guidance advises that planning performance agreements can be used for any application, the council is focussed on using them for major planning applications and schemes that are of a particularly complex nature only.

The benefits to the council and the developer in entering into a PPA are:

- management of the whole planning process from pre-application/inception through to the issue of a decision and the subsequent discharge of conditions increasing confidence and reducing risk;
- identification of key issues and negotiation at an early stage;
- realistic and predictable timetables;
- greater accountability and transparency;
- partnership working and building relationships; and
- continuity and consistency from Planning Officers.

The council will not enter into a PPA where a proposal is fundamentally contrary to the Local Plan or direction of travel.

FEES

The cost of a Planning Performance Agreement will be laid out in accordance with the council's fees and charges. Payment is due within 14 days of the inception meeting. To incentivise developers to submit full or 'hybrid' planning applications, PPAs will be expected on all reserved matters applications for major developments.

In addition to the PPA fee, the developer will be expected to cover the council's reasonable costs associated with the appointment of any specialist external consultants (such as independent financial viability consultants) with such costs to be agreed between both parties following receipt of fee estimates together with the council's reasonable legal and professional fees associated with the preparation of any Section 106 legal agreement.

ENHANCED SERVICE

The council has endorsed the Essex Planning Protocol, which can be found here:

https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/BW_1268_PS_Greater%20Essex%20Planning%20Protocol_AW2.pdf

By entering into a PPA the developer will receive the following benefits:

PPA	No PPA
Inception/pre-application meeting to agree project plan including consultation strategy, schedule of meetings, cost of any independent specialist advice i.e. viability appraisal reviews, members of the project team and key milestones	No project plan and no project team
Monthly PPA progress meetings between case officer and developer	No progress meetings
Opportunity to present to Planning Committee*	No Planning Committee presentation
* Cost outside the PPA fee.	

	PPA	No PPA
A dedicated Planning Officer	YES	NO
The date of pre-application meetings agreed at the inception meeting	YES	NO
A commitment to adhere to the agreed programme milestones unless both parties agree to vary the milestone dates	YES	NO
To procure specialist advice promptly	YES	NO
To assist in agreeing the consultation strategy	YES	NO
To provide a written response to pre-application meetings within 10 working days	YES	NO
To provide notes and actions from any Planning Committee presentation within 5 working days	YES	NO
To respond to all emails and telephone calls within 1 working day	YES	NO
To accept amendments to the original planning application drawings	YES	NO
To attend the meeting dates set out in the programme	YES	NO
To validate the planning application within one week of receipt and undertake consultation within two weeks of receipt	YES	NO
To agree proposed conditions and agree draft S.106 Heads of Terms before report is finalised	YES	NO
To refer the application (if necessary) to the Secretary of State no later than 3 working days after Planning Committee	YES	NO

PROJECT TEAMS

Basildon Borough Council Planning Project Team

Name	Position and role	Contact details
Christine Lyons	Head of Planning	planning@basildon.gov.uk
TBA	Planning Policy	planningpolicy@basildon.gov.uk
TBA	Case Officer	planning@basildon.gov.uk
TBA	Environmental Health Officer	ehs@basildon.gov.uk

All contact with the Project Team should be through the Case Officer.

If a member of the Project Team leaves then Basildon Borough Council will ensure that a Planning Officer of equal calibre will be appointed to ensure the change is as seamless as possible.

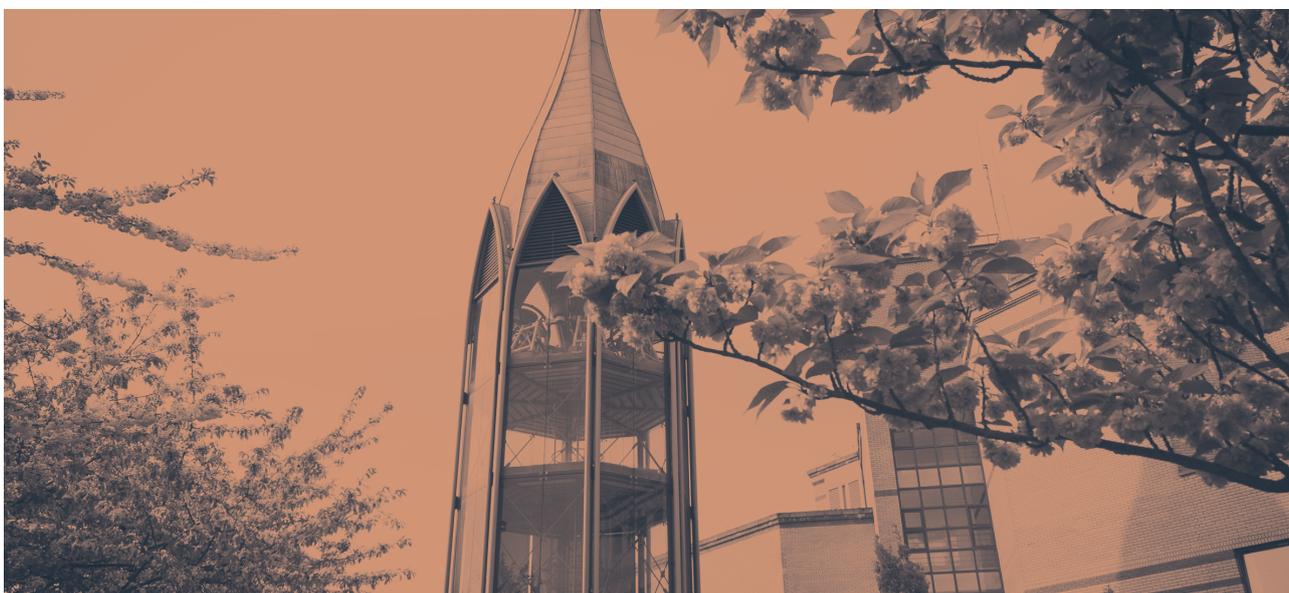
Essex County Council Contacts

ECC Highways	Transport.Development@essex.gov.uk
ECC SuDS	suds@essex.gov.uk
ECC Place Services	Place.Services@essex.gov.uk

Note: It will be expected that the developer enters into pre-application discussions with Essex County Council.

Developer Project Team

Name	Position and role	Contact details
	Developer	
	Planning Consultant	
	Architect	
	Transport Consultant	
	Environmental Consultant	



TIMETABLE

Action/Task	Timetable
Inception meeting	
PRE-APPLICATION PHASE	
Consultation	
Pre-application meeting 1	
Pre-application meeting 2 including draft S.106 Heads of Terms	
Presentation to Planning Committee (cost outside the PPA fee)	
Monthly PPA progress meeting prior to submission and agree any external advice (consultant costs outside the PPA fee)	
Draft S.106 Heads of Terms agreed (legal costs outside the PPA fee)	
THE PLANNING APPLICATION PHASE	
Planning application received	
Planning application validated	
Statutory consultation and notifications issued	
Monthly PPA progress meeting	
Draft conditions sent to developer	
Monthly PPA progress meeting in advance of final report	
Draft S106 completed	
Report complete and published	
Planning Committee	
S106 sealed	
Decision notice issued (6 weeks JR period)	
POST DECISION PHASE	
Conditions discharge monitoring	



AGREED APPLICATION DOCUMENTS

The application will be submitted via the Planning Portal. The applicant will also provide 2 hard copies and 1 CD of the planning application. Documents as listed below.

Delete as appropriate
Planning Application Forms and Certificates
Site Location Plan
Drawing Schedule
Application Drawings
Planning Statement and Draft S.106 Heads of Terms
Design and Access Statement
Statement of Community Involvement
Design Code and Concept
Townscape, Heritage and Visual Impact Assessment
Transport Assessment or Statement
Noise Impact Assessment
Air Quality Assessment
Daylight and Sunlight Assessment
Arboricultural Survey
Arboricultural Impact Assessment
Extended Phase 1 Habitat Survey
Flood Risk Assessment including Surface Water Drainage Strategy
Site Investigation
Desk Top Archaeological Appraisal
Sustainability Statement including Sustainable Design and Construction
Energy Strategy
Environmental Statement
Financial Appraisal
Healthy Planning
Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS)



AGREEMENT

Basildon Borough Council and the developer agree to use their best endeavours to adhere to the performance standards and meet the milestones in the timetable set out in this PPA. In agreeing this timetable, the developer agrees to any necessary extension to the statutory period for determination of the planning application. The developer agrees to pay the PPA fee within 14 days of the inception meeting.

	Head of Planning
Name:	
Signature:	
Date:	

	Developer
Name:	
Signature:	
Date:	

LEGAL MATTERS

Confidentiality

The parties will share relevant information, studies, reports and plans relating to the application. It is accepted that the pre-application process may require the submission of commercially sensitive information which should not be disclosed to any third party without the consent of the developer. Following registration of the formal planning application any such confidential information may, in the interests of transparency or for consultation purposes, be made public. If this happens, the council shall inform the developer 5 working days in advance.

Roles

Nothing in this agreement shall restrict or inhibit the council from properly exercising its role as the Local Planning Authority.

Nothing in this agreement shall restrict or inhibit the developer from exercising their right to appeal under Section 78 of the Town and Country Planning Act 1990 in respect of a refusal of the application or in respect of an appeal for non-determination of the application, at any time after the expiry of the thirteen/sixteen week period.

Charges

All developers for qualifying developments have a choice whether or not to enter into a PPA as it is a discretionary service. The choice is whether to pay for an enhanced service or not. PPAs are not required by statute but their use is encouraged by the National Planning Policy Framework.

If for whatever reason the application is withdrawn, the council will refund the fee proportionate to the point in the timetable that has been reached. The PPA fee must be paid within 14 days of the inception meeting. There will be no charge for alterations to the PPA timetable.



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