

Agenda Item 6

Development Management Committee

30th June 2009

KAL/DMH



Planning Protocol for Major Planning Applications

Summary

The South West Regional Development Agency in partnership with Local Authorities in the Region, other regional parties and the Home Builders Federation commissioned ARUP to develop a regional Planning Protocol framework to support the effective delivery of the Sustainable Growth Agenda (The Way Ahead) in the South West. The document sets out best practice for handling significant scale 'major' planning applications and is reported to this committee both for information and as evidence that this Council is already demonstrating good practice as proposed by the Protocol.

Recommendation

1. **It is recommended that the Head of Planning & Countryside Services undertakes a consultation exercise with all District Councillors and Town and Parish Councils on the appropriateness of the Protocol and reports back to the Committee on the responses with a view to adopting the Protocol as best practice for East Devon District.**
2. **That the locally defined criteria relating to measuring success of the Protocol, establishing viability evidence, the appropriate scale of development to apply the Protocol to, the participants to the Protocol and the monitoring and learning exercise be established and reported back with the results of the consultation exercise.**

a) Reasons for Recommendation

To take the Planning Protocol forward as an adopted working document.

b) Alternative Options

To continue with our current approach and not formally adopt the Protocol.

c) Risk Considerations

N/A

d) Policy and Budgetary Considerations

The policy requirements are set out in the report. There are no specific budgetary implications, although there are staff resource implications inherent in servicing large scale planning applications.

e) Date for Review of Decision

N/A

1.0 Purpose of the Protocol

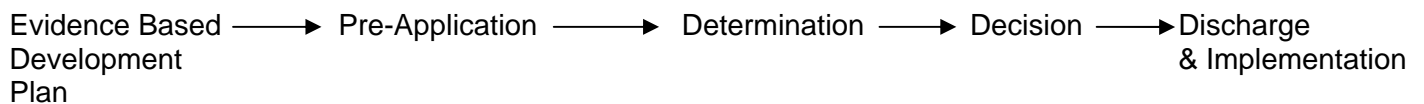
1.1 The South West region is committed to improving the quality of development through emphasis on:-

- High quality urban design and master planning

- Sustainable development (including sustainable construction)
- Infrastructure planning and
- Effective community engagement.

All underpinned by a commitment to deliver under a sustainable community's framework by ensuring social, economic, and environmental considerations have all been addressed. The South West of England Regional Development Agency has been working alongside local authorities in the region, other regional parties and the Homebuilders Federation, represented by Persimmon Homes and Barrett Homes for example, to produce a Regional Planning Protocol framework to support the effective delivery of the Sustainable Growth agenda (the Way Ahead) in the South West. To this end ARUP was commissioned to produce the Planning Protocol for Major Planning Applications, which is a guidance note for local authorities. A copy of the document can be found in the Member's area or in the Planning Department.

- 1.2 The Protocol it is hoped, will help to support efficient and effective decision making in planning. It is recognised that this is a three way process which requires partnership between local planning authorities, the development industry and local communities where all parties recognise each other's responsibilities and where transparency, certainty and consistency are key. The Protocol is aimed at improving working relationships and practices between Local Planning Authorities) and applicants for planning permission and is focused on the end-to-end planning process. It complements Statements of Community Involvement (SCI) which this Council already uses in respect of major application, and Major Application Charters (which we have yet to use) adopted by individual LPAs. The Protocol focuses on the whole application process, but with particular emphasis on front loading through pre-application activity.
- 1.3 The Protocol is aimed at strengthening the collaborative efforts of local authority officers and elected Members, developers and their professional advisors and key interested parties. It is underpinned by the principle of working together in good faith and mutual trust in order to deliver sustainable and viable economic and housing growth in the South West.
- 1.4 The Advice Note concentrates on major development within the regions' Strategically Significant Cities and Towns (SSCTs) but the principles identified will also apply to major development in other areas too. As some local planning authorities are likely to experience levels of growth not previously anticipated it is therefore an ideal opportunity to set out a way of working that each authority could adopt in dealing with large scale major applications. In doing so, the South West would be aligning itself with the business planning approach laid out in the recently re-issued PPS12.
- 1.5 The framework breaks the planning process down into a number of distinct phases:-



Each phase requires certain actions from Officers, Members and developers respectively to make sure that by the conclusion of that phase certain critical success factors will have been secured and allow movement into the next phase of the process and on to a completed development. The plan making phase can run in parallel to the planning application process, in order to avoid unnecessary delays.

- 1.6 Within each phase it is important to ensure that there is effective budget management, efficiency in the planning decision and effective communication. Members, Officers and developers are assumed to take actions that contribute to achieving successful outcomes in each phase of the planning process.

2.0 Critical Success Factors for the Evidence Based Development Plan

- 2.1 The definition of critical success milestones will depend on the state of play in individual areas. Ideally there should be an adopted Core Strategy to give weight to emerging proposals for the development of an area. However, in the absence of an adopted Core Strategy it would be beneficial to have the Core Strategy progressed to the Preferred Options stage to allow applications to be submitted in a timely manner and avoid delays in delivering sustainable communities. Local planning authorities should seek to set out their vision within a spatial framework and master plans or development briefs, even though these will carry lesser weight in the planning process. Alternatively the LPA should agree with applicants a process and time table to enable planning applications to be prepared and submitted in parallel with the plan making process.

3.0 Critical Success Factors for the Pre-application Phase

3.1 These comprise:-

- Establishing a development control forum (covering the SSCT area).
- The LPA nominating a Project Manager.
- The Developers nominating a Project Manager.
- The LPA establishing a Development Team
- The Developer establishing a Development Team and procuring appropriate technical advice.
- The LPA establishing a clear policy for paying for pre-application discussions.
- Joint resolution on whether a formal Planning Performance Agreement is to be used.
- Jointly agreeing a Project Management Plan which will determine the planning application route to be adopted and critical milestones. This should be treated as a working document and managed by the Project Managers.
- The LPA and the Developer producing a Vision Statement for the Development Proposal.
- Scoping of application material agreed between the LPA and Developer.
- The Developer establishing a robust evidence based to support actions and consultations undertaken during the remainder of the process.
- Using high quality communication across a wide audience.
- The LPA providing model template Heads of Terms for the Section 106 Agreement.

4.0 Critical Success Factors for the Determination Phase

4.1 This will be successfully concluded by the achievement of the following:-

- Validated applications formally logged.
- Project Management Plan agreed with key milestones through to Decision Notice.
- Briefing distributed to other Officers and Members with an interest in the application including who to contact.
- Timely responses received from statutory consultees and others.
- Government Office 'call in' position clarified.
- Early member endorsement for the key principles of a proposal through an interim Committee report.

5.0 Critical Success Factors for the Decision Phase

5.1 The following should be achieved:-

- Section 106 and Section 278 Agreements (Highway Agreement) signed and issued.
- A decision notice issued making clear what is required to discharge or demonstrate compliance.

6.0 Critical Success Factors for the Discharge and Implementation Phase

6.1 This will be concluded successfully by:-

- Timely discharge of conditions contained in the decision notice.
- Timely discharge of Section 106 obligations.
- Documented feedback from a post completion review and
- Delivery of a quality development.

7.0 Conclusions

7.1 The advice note puts forward a framework only. It remains for individual planning authorities to take the initiative in adopting some or all of the recommendations contained in the protocol to fit local circumstances. It is suggested that the use of the Protocol be subject to a local authority's own consultation with key stakeholders on the merit of the Protocol. As it is anticipated that there will be some significant development proposals within the District over the next few years it would seem appropriate to undertake a consultation exercise with all District Councillors, and Town and Parish Councils to ensure that everybody agrees with the proposed approach, and subject to the responses received, allow the Council to adopt the Protocol as best practice for handling large scale planning applications.

7.2 As pointed out in the summary at the beginning of this report many of the Protocol's suggested steps are already in place within this Council including a Members' Pre-Application Advisory Panel giving clear advice ahead of a planning application being submitted, the requirement for Statements of Community Involvement to be submitted following a public consultation exercise usually taking the form of an exhibition and questionnaire, the appointment of the Major Projects Manager for the New Growth Point and now seconded to the New Growth Point Team, the appointment of a Section 106 Monitoring Officer, and the use of the Council's own Major Planning Applications Protocol which involves a multi agency team advising potential developers.

7.3 Local decisions in relation to the Protocol fully involve the setting up of criteria for measuring the success of using the Protocol, agreeing the evidence of viability required particularly during this period of economic down turn, the appropriate scale of development to apply the Protocol to, the participants in the process and the monitoring and learning exercise that can flow from using the Protocol.

Legal Implications

There are no legal observations.

Financial Implications

There are no financial implications other than staff time which is already included in the budget.

Consultation on Reports to the Executive

N/A

Background Papers

Regional Planning Protocol framework