

The Pre-application Suite



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Pre-application engagement should lead to high quality and appropriate development schemes being granted planning permission more quickly. Early, collaborative discussions between developers, public sector agencies and the communities can help to shape better quality, more accepted schemes. These developments can be brought forward more quickly and deliver improved outcomes for the community. These discussions also avoid wasted effort and costs.

Earlier in 2014 a cross sector group from councils, the development industry and statutory consultees came together to work on setting out ways of working that they believed would improve the contribution of pre-application discussions to good planning. This was published as the '10 commitments to effective pre-application engagement'.

Following on from the 10 commitments, PAS has worked with a small group of contributors to capture good practice used in a range of councils to create this suite of good practice notes. Our goal is to help councils to challenge, review and improve their pre-application offer; to be more responsive and provide efficient pre-application services that developers will want to use and in so doing, to encourage high quality and appropriate development schemes being granted planning permission more quickly.

This pre-application suite deals with practical issues involved in providing a pre-application service bringing the 10 commitments to life in councils. It is arranged in a series of sections; each of which provides a number of support tools, including descriptions of good practice, challenge questions and templates in use in local authorities.

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1. The 10 commitments checklist

Early in 2014 a cross sector group from councils, the development industry and statutory consultees agreed **10 Commitments** that they believed would improve the contribution of pre-application discussions to good planning.

For this initiative to work each group needs to modify the way they currently work. To help Local authorities to work out whether their pre-application service meets the 10 commitments, the following is a cut down version of the larger document. Use this as a checklist for your service.

1. Enable sustainable development to proceed efficiently from proposal to completion

How? Via open and integrated working with all parties. Adopt a spirit of finding solutions to enable a clearer path through the planning system.

2. Offer a range of pre-application services to developers, making sure that each choice can be delivered in a timely, effective manner; proportionate to the size of the proposal

How? Make choices available; from self-serve guidance to detailed problem solving working on complex proposals. Clearly set out the process, costs, timetable and output for each level and put this on the planning page of your council's website.

3. Help potential applicants to select the level of engagement necessary to deal with the issues raised by the proposal

How? Recognise that potential applicants will only choose services that offer good value for their business. Set out what they will receive and be sure you deliver on service promises.

4. Demonstrate that your pre-application services are good value for money, whether or not you make a charge to the prospective applicant

How? Pre-application engagement costs both the council and the developer. So, make sure the process is efficiently run and effective. If you do charge, make sure that the cost is justified and relates to the services offered.

5. Co-operate to bring together the right people to address all of the development issues

How? Have processes in place to ensure that the right people are involved so advice given and commitments made are carried through to application and permitting stages.

6. Have an open exchange of information.

How? By ensuring all information pertinent to the decision making is freely available to all interested parties prior to the submission of an application.

7. Be collaborative; the requirements of all parties should be given consideration

How? The planning considerations might be the starting point, but to encourage delivery, the needs of other parties have also to be taken into consideration. Planning Performance Agreements provide a shared project management schedule.

8. Provide an opportunity for councillors to be actively involved in pre-application discussions

How? Bring councillors and developers together to help develop a scheme to meet the area's needs.

9. Engage with local communities about development proposals as early as possible

How? Facilitate conversations between communities, councillors and developers to help inform and influence the proposals.

10. Maintain an agreed record of information submitted, advice given and any agreements reached

How? Share agreed notes to provide transparency, help build trust, and ensure that pre-application discussions have traction when the application is considered.



2. Pre-application services in Local Planning Authorities

i) Running a positive and business-like pre-application service

Pre-application discussions have many potential benefits for the developer. But, the council, statutory agencies and the local community also gain substantially from the process. Successful councils acknowledge that these early discussions are a discretionary transaction. To encourage prospective applicants to engage, it must be shown that the longer-term benefit to them of having the LPA's advice and early community involvement outweighs the short-term cost of both providing the information and paying for the LPA's service.

The table below sets characteristics of a positive business like pre-application service with some guidance about how to achieve this:

A positive outlook	<p>Bearing in mind that prospective applicants will have different needs, a positive approach to pre-application discussions encompasses:</p> <ul style="list-style-type: none"> • being direct and clear with advice • guiding development by solving problems with the proposal and suggesting alternatives • identifying proposals that have little likelihood of success • understanding and accommodating phased development of proposals • asking only for information and plan detail as necessary to consider the proposal • helping to check the application submission.
Flexibility	<p>A council should offer a range of pre-application services to suit a variety of developers and different sorts of development. A model for tiered development is set out below.</p>
Publicise what you offer	<p>No business makes it a secret of the product that it is offering. It should be clear to a prospective applicant that your council will provide guidance or advice before an application is submitted and how they can go about accessing this service. The most accessible place to display this information is on the council's website.</p>

Clarity up-front	<p>The terms of the pre-application transaction need to be spelled out clearly. A service charter or offer should provide clear information about:</p> <ul style="list-style-type: none"> • how to access the service e.g. by email, a form to complete, a telephone number to call or opening times for the duty planner • the timescale for a meeting to be arranged or for a response to an inquiry • the cost • the process (e.g. a one hour meeting) • who will be giving the service (e.g. a senior planner) • the output (e.g. a written note of the advice given in the meeting).
Guiding and advising	<p>While it will be up to the prospective applicant to choose the level of pre-application service they want, it's important that the LPA advises and guides the prospective applicant. This will help to ensure that engagement is proportionate to the challenges of the proposal and that council officers' time is employed wisely. Continuing discussions on schemes where 'showstoppers' indicate that the proposals are fatally flawed, but the prospective applicant nonetheless wants to work on resolving detail is a difficult issue. Although a case by case assessment will be important, councils can indicate their general approach in their offer.</p>
Involving the right people	<p>This is an important job, requiring a range of skills and experience. Those involved must understand the role, and how important it can be for achieving the best outcomes for the area. They must also be given the appropriate level of authority to make professional judgements and provide well-founded advice on behalf of the council that the applicant can rely on. Advice from the council should, wherever possible, be a "single voice". This means wherever possible the requirements of building regulations, highways and environmental health should also be integrated in the advice given.</p>
Working with the right information	<p>Providing a reasonable (proportionate) amount of information up-front is vital; allowing time for background research will ensure that the planning service involves the right people and provides considered advice. The applicant must be clear about the information he/she is required to provide. In all cases the council must ask the applicant only for what is required for the level of advice he/she is seeking.</p>
Delivering on promises and demonstrating value for money	<p>To develop and maintain a reputation as a good place to do business, LPAs must keep their promises about response times and quality. To help deliver this, planning services must have enough capacity to provide pre-application services that accord with the offer. Councils should monitor capacity to deliver the performance promises and adjust the service offer in order to both meet promises and provide timely services.</p>

Written records	<p>A record should be kept of all pre-application advice:</p> <ul style="list-style-type: none"> • to ensure that consistent advice is given and can be taken forward when an application comes in • so that there is an agreed record of discussions and any agreements or commitments given • for public transparency and • in case there are complaints later on in the development process. • This record should be shared with all the participants in the pre-app process and (except in clearly justified exceptional cases) made public as soon as possible, if not before an application is made.
Giving weight to the advice at application stage	<p>Officers of the council will give advice based on their professional judgement in the current circumstances and their knowledge of policy framework. The written record of this advice from officers and discussion with elected members will be a consideration in the determination of a subsequent planning application.</p> <p>However there are important caveats to all pre-application advice that should be made clear to prospective applicants:</p> <ul style="list-style-type: none"> • Circumstances and policy considerations can change over time as well as a result of decisions outside the council's control. • The council's discretion to determine a formal planning application cannot be restricted as a result of any opinions offered by officers or elected members during the course of pre-application discussions.
Statutory consultees	<p>The LPA can't guarantee the involvement of all the statutory consultees – but will actively encourage their participation where relevant. In the more comprehensive pre-app offers the council will facilitate meetings at which integrated advice can be given, considered and utilised.</p> <p>[Note: Most of these statutory agencies have their own procedures for giving (and charging for) pre-application advice]</p>
Councillors and Town and Parish councils and Neighbourhood forums	<p>All LPAs should include arrangements in their pre-application offer for informing ward councillors and cabinet members of pre-application discussions happening in the area. Equally, the development of good sustainable developments will be aided by LPAs encouraging the active engagement of town and parish councils and formal neighbourhood forums at the earliest stages.</p> <p>[See section 4 of this pre-applications suite.]</p>

Confidentiality	<p>LPA's should be clear about their practice in regard to the disclosure of pre-application discussions and explain this in their service offer.</p> <p>The Freedom of Information Act 2000 includes a presumption in favour of disclosure of information, including pre-application discussions, unless such disclosure would cause adverse impacts (Regulation 12(5) Environment Information Regulations 2004). If an applicant has reason for requesting that the council keep advice confidential they should be permitted to make a reasoned request to the council prior to the pre-application discussions taking place. Councils retain discretion in regard to decisions on disclosure of information in any instance and should review these decisions on a regular basis.</p> <p>The LPA will have to reach a decision in each case where a request has been made, and in doing so will have to balance the interests of furthering trust with the prospective applicant against the advantage of engaging the community more widely in discussions. Wherever possible the LPA should make the decision in collaboration with the developer.</p> <p>Once an application is submitted the expectation is that the pre-application advice will come into the public arena.</p>
Charging and payment	<p>Legislation allows councils to make a charge for pre-application services</p> <p>LPA's can choose whether or not to recover the whole or part of the cost of providing pre-application advice from potential applicants. Their decision will be based on a number of local circumstances and objectives.</p> <p>The charges should be clear in the service offer and should relate directly to the services provided within each tier of the offer. [See section 5 of this pre-applications suite.]</p>

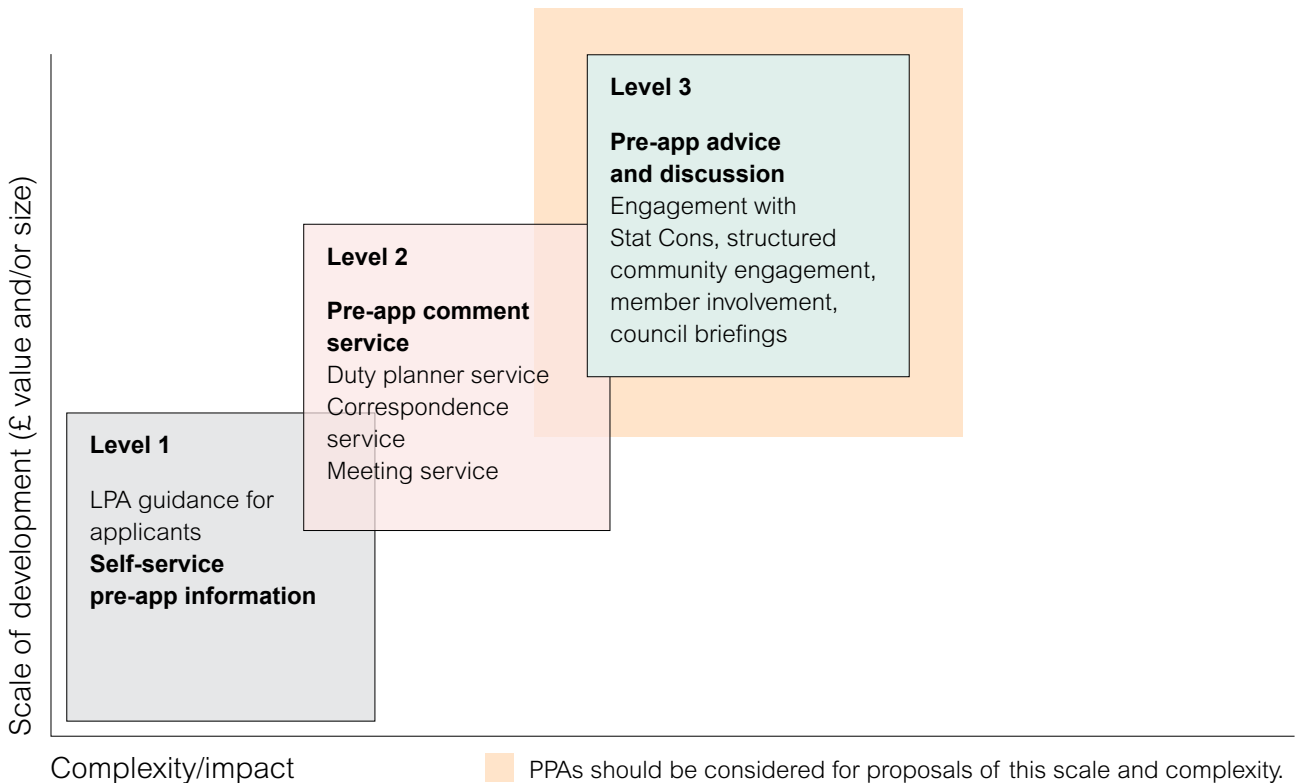


ii) A model for tiered levels of pre-application services

To encourage prospective applicants to discuss proposals at the earliest stages and thereby achieve the potential benefits for all, LPAs need to accommodate the varying needs of prospective applicants and the range of development types. The LPA should help the prospective applicant to choose the level of engagement appropriate to the scale of the proposal, and the complexity of the issues involved. But it will, in the end, be up to customer to choose the level of service that matches their needs and constraints such as cost, risk management and time.

All LPAs should provide three basic levels of service: roughly equating to small, medium and large. These diagrams show the type of pre-application service that will be appropriate at each level and how these relate to the scale of development and complexity of issues raised by proposals.

Level 1 – general pre-application information
Level 2 – specific information and pre-application comment on a proposal
Level 3 – site specific information, pre-application discussion and detailed advice to aid the development of a proposal



Level 1

Level 1: General pre-application Information

What service will this give the potential applicant?	At the most basic level, pre-application advice should help a developer – irrespective of the scale of the proposed development – to find out what the development plan policies are, whether the site lies within a designated neighbourhood area and what information the council holds in relation to site constraints such as conservation areas, listed buildings, TPOs, flood risk areas etc.
How will this be delivered?	This is a self-service offer. It is likely to be provided free of charge to the user via the council's website and in some cases through, through a public desk in planning offices or a one stop shop service centre.
What does it include?	<p>It can include guidance regarding the council's approach to specific sites and topics such as design through referring to well-produced supplementary planning documents that will help applicants to make better applications. It may also include site briefs, conservation area guidance and similar documentation that give prospective applicants greater insight to help them develop appropriate development proposals.</p> <p>Councils with a high commitment to encouraging community engagement have also prepared guides for potential applicants to provide information about local community groups, such as town and parish councils and neighbourhood forums and amenity groups who have an interest in planning in their area. Ideally, this will facilitate the applicant getting in touch directly by providing contact information, explaining the groups' interests and encouraging early conversation.</p> <p>Investment in some form of this pre-application advice can be developed in collaboration between the council and other parties, e.g. in the preparation of site brief information when a site is coming to market.</p>
How does the council make sure this is a worthwhile pre-application offer?	<p>Services require scrutiny and investment to make sure that the information is readily updated and accessible in person as well as electronically.</p> <p>It is beneficial to involve local agents to test whether the information provided and access to it is easy for their and their clients' needs.</p>

Level 2

a) Duty Planner Service	
What service will this give the potential applicant?	<p>Access to a person with an appropriate level of expertise (either a planning officer or a trained support officer) to have a short conversation about a specific site or development proposal is a quick and relatively cheap way to reduce uncertainty and risk for a prospective applicant.</p> <p>[The 2012 PAS Benchmark customer survey asked applicants to rank features of a good DM service in terms of what would most help them to make successful developments. They said that access to a duty planner was second most important on their wish list.]</p>
What can it include?	<p>This advice is given in a limited face to face conversation between the potential applicant and the council officer. Generally this conversation will relate to a specific site or development proposal.</p> <p>It may include:</p> <ul style="list-style-type: none">• a summary of the land use constraints• a summary of the relevant neighbourhood and local plan policies and any applicable SPD guidance• an informal opinion of whether planning permission is required• an informal opinion on the whether the proposed development is likely to receive officer support (providing the development is fairly straightforward and the policy context clear)• CIL charges/some general s106 requirements appropriate to this kind of development• advice regarding the need to consult other agencies• advice about engaging with local town and parish councils and community groups in relation to the specific proposal• tailored information from the LPAs validation checklist <p>This kind of service should also be able to identify proposals that clearly have little or no chance of success because they breach development plan policies.</p>
How will the applicant access this service?	Some councils operate an appointment service. Alternatively, councils have a duty planner available during specific advertised hours.
Can councils charge for this service?	Practice varies from council to council and currently, most councils do not make a charge for this type of service.
Is there a record made of the discussion?	<p>Some councils offer the applicant a written record of the information and comments given. If this is offered it is more often charged for, as it requires the commitment of additional council resources.</p> <p>Whether or not a written record of the advice is prepared for the customer, the council should keep a note of the advice given for its own records.</p>

b) The correspondence offer	
What service will this give the potential applicant?	The scope of this service is similar to the Duty planner offer in that the council officer provides information and comment in relation to a specific site or development proposal. In this case a written response is provided in respect of a plan submitted by the potential applicant.
What does it include?	<p>The information and advice given is likely to follow the matters set out for the duty planner service. The practice in most councils is to provide comments on the development proposal as presented rather than to provide detailed advice on how the scheme may be improved, although this may be possible for simpler proposals.</p> <p>While informal advice as to whether planning permission or prior approval will be required for a proposal, the correspondence offer will not replace a formal determination under s191 and 192 of the 1990 Act. The correspondence offer should be capable of giving clear guidance to a potential applicant if the proposal is clearly contrary to policy (a showstopper) thus saving the applicant time and money in proceeding further.</p>
How will the applicant access this service?	<p>Because this will take additional time to prepare the note, many councils make a charge for this service. The amount of time taken will be an estimate based on the most common development type in that council.</p> <p>Councils should set out the terms of this offer including the cost, the expected response time and the information requirements; including if there is an application form required.</p>
c) The meeting service:	
When is this suitable?	This service is not suitable for complex major applications but is ideal for other types of significant development where a range of issues and interests are raised. It allows parties to consider material similar to that required for a planning application, although clearly the quality will reflect that the most effective time for such an application is at the formative stage, and therefore some information may not be available.
What are the elements of the service?	<ul style="list-style-type: none"> • Briefing and preparation: The planning officer should be familiar with the proposal plans and other submitted information, visit the site, research the planning history, and carry out any internal consultations that he/she feels are necessary in order to provide an integrated response from council officers. • A meeting: This meeting will allow the potential applicant and design team to present and explain the scheme to the officer, receive information regarding constraints and policy context and hear the officers' considered views on the issues raised and any suggested modifications that would improve the acceptability of the scheme. • Preparation of the record of discussion: this should include the officer's briefing information, issues identified, and advice given at the meeting. To be shared with the customer.

<p>What can this service achieve?</p>	<ul style="list-style-type: none"> • Identify those schemes which have little or no chance of achieving planning permission and highlight the main issues why. • Identify the key policies against which the proposal will be assessed, the issues that will need to be addressed and how they could be resolved. • Identify the key statutory consultees whose views will be important in considering planning application • Provide advice about information that should be submitted in the formal planning application • Advise on the need for Environmental Impact Assessment EIA, including screening and potential scoping • Signpost local community groups to engage with, discuss their interests (particularly where neighbourhood plans have been developed) and facilitate their involvement in further discussion • Provide indicative information about CIL charging and likely s106 requirements relating to the proposal • Develop a PPA to guide the project management of future stages.
<p>Will a formal arrangement be required?</p>	<p>The preparation stage is key to both the council and the prospective applicant in getting the most value from this service and therefore a formal arrangement with the submission of an adequate level of detail to demonstrate what the scheme is about will be required.</p>
<p>Who will be involved?</p>	<p>A suitably experienced officer who has sufficient authority to speak authoritatively for the council. For the sake of continuity, that officer would normally have an on-going role in a subsequent planning application. Depending on the issues identified when preparing for the meeting, additional expertise may be required and this expertise should be present at the meeting (with an appropriate charge if applicable).</p>
<p>What are the follow on arrangements?</p>	<p>Any further meetings, submission and consideration of modified proposals or additional studies, impact reports, etc. should be at the request of the applicant and agreed at the discretion of the council officers. The applicant could also request facilitated meetings with statutory consultees, briefings with elected members, and community meetings.</p> <p>The additional cost (if any) for this extra level of engagement should be detailed and agreed.</p> <p>A PPA setting out agreed milestones and timetable for achieving a successful process is recommended.</p>

a) Standard Pre-application Advice and Discussion

When is this suitable?

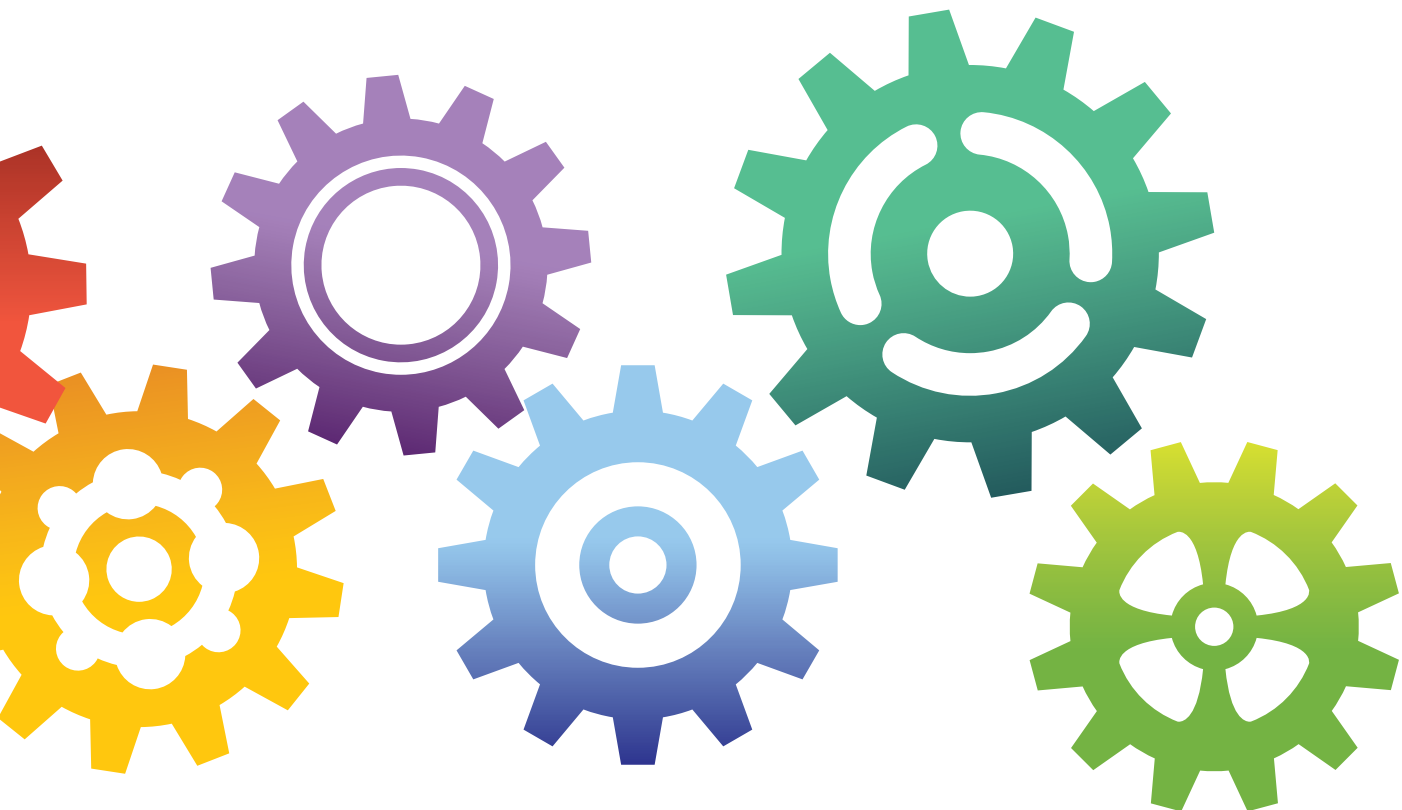
For major proposals, especially the large major applications which involve a complex web of interlinked issues.

The pre-application stage should establish a clear path leading up to the planning application.

The difference in approach from the basic meeting service is that all parties start the conversation knowing that the issues are complex. They are prepared for the pre- application process to be a staged, iterative process that will necessitate early and continuing engagement with a number of other parties.

The council should take a pivotal role in facilitating an integrated process for council issues and other statutory agencies to become involved.

The council should also lead discussion on the early engagement of the community if the prospective applicant has not already commenced conversations with these groups.



What is the typical process for this type of pre-application service?

- Briefing and preparation: (as previously)
- Initial meeting: This is a scoping meeting which both explores the main issues raised by the proposal and provides an opportunity to map out a process for pre-application engagement for a PPA. (Clearly, if the issues include any show stoppers this will be flagged early on and the process can revert to a simple meeting service.)
If possible, representatives from other parties who will be signatories to a PPA should be encouraged to attend the meeting.
- For each proposal the elements of the pre-application process will differ according to the nature of the proposal. The applicant and the council together should discuss which elements will help to improve the scheme, mitigate problems and build consensus. Clearly, developing strategies for project specific scoping of engagement strategies and impact assessments will be key elements.
 - Formation of a development team including relevant council services and a schedule of meetings outlined
 - Facilitated meetings with statutory consultees
 - Commissioning detailed impact studies
 - Assessment of detailed impact reports
 - Screening and then scoping for EIA
 - Briefings for elected members
 - Early briefing and discussions with town and parish councils and neighbourhood forums
 - Wider community engagement (developer forums etc. or creation of working groups with the community)
 - Early reporting on progress to planning committee
- Exchange of PPA agreement detailing approach and project milestones
- Preparation of a final summary document that provides a record of pre-application discussions and leads on to the submission of a planning application and assessment of the effectiveness of this pre-application stage.



<p>What can this service deliver for the prospective applicant?</p>	<p>This offer will provide the benefits of the simpler pre-application offer together with:</p> <ul style="list-style-type: none"> • A named project officer responsible for managing the pre-application process • An agreed timetable through a PPA • Active facilitation of a co-ordinated response from all services in the council • Active facilitation of meetings with relevant statutory consultees • Advice and suggested alternative approaches in order to address any identified concerns. Negotiation and agreement of the s106 agreement, S278 costs and CIL charges • The council officers actively engaging both councillors and community groups in pre-app discussion • Management of the decision-making processes, including arrangements for consultation, committee lead-in times and referral constraints and (if necessary) site acquisition processes.
<p>Will a formal arrangement be required?</p>	<p>This is a major commitment of resources from all parties. The key to a successful process will be proper project management. This should start with a clear arrangement right from the beginning.</p> <p>Where the council makes a charge for this service, it will be helpful to have the cost of the basic service specified along with indicative prices for the 'optional' elements.</p> <p>Arrangement for such charges may be a combination of up-front charge and subsequent billing either in arrears or in some form of draw down arrangement whereby the applicant pays a sum up front and the unspent balance is refunded at the end of the process. All such financial arrangements will normally be separate from the PPA agreement.</p>
<p>Who will be involved?</p>	<p>This service requires leadership from the council. Ensure that all those whose comments will affect the final decision are encouraged to participate (e.g. council highways, statutory consultees, parish council). The people involved should be both sufficiently expert and able to speak with authority for their organisation.</p> <p>An identified planning project manager should act as a single point of contact.</p>
<p>What are the follow on arrangements?</p>	<p>The PPA for this kind of development can be designed to lead from the pre-application phase into the planning application and post-application phases in seamless stages.</p>

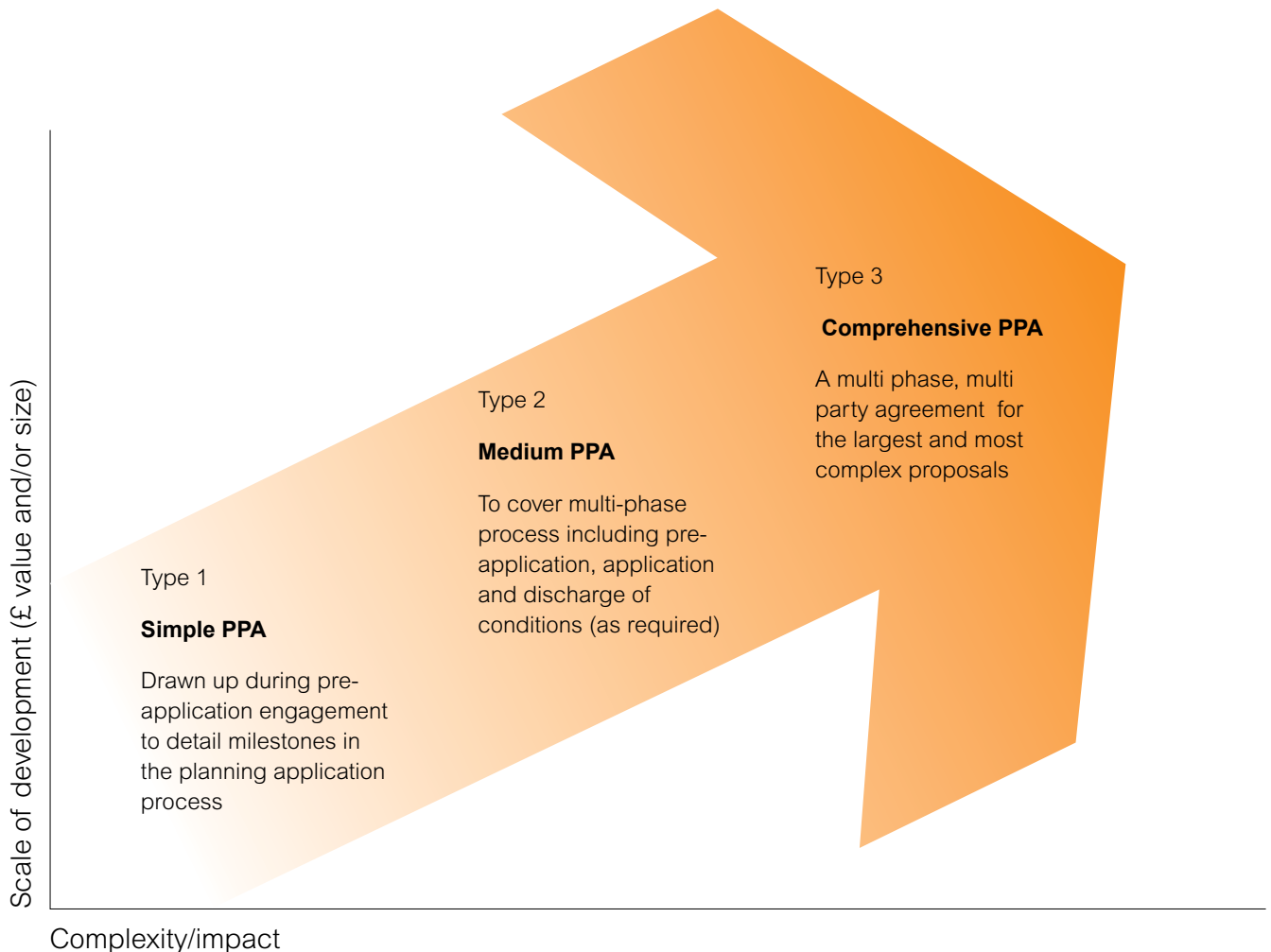
b) The tailored pre-application advice and discussion	
When is this suitable?	The largest and most complicated schemes may be in design and development for a period of years. These schemes are very often important to delivering key strategic elements of the council's own local plan and therefore the council has a strong interest in taking an active lead and collaborative (and sometime even financial) interest in achieving a high quality sustainable development.
What are the elements of the service?	<p>A key element is a PPA that deals with setting project management milestones and ensuring that adequate resources are put into the discussions to keep the project moving towards delivery. This is an effective means of establishing an agreed structure capable of providing the integrated and 'end to end' collaborative relationships necessary to underpin strategic developments.</p> <p>While all of the elements set out in the bespoke service above are applicable, the scale and complexity of such schemes may require other additional options unique to the situation.</p> <p>These schemes are more likely to also require co-ordinated approaches to site accumulation and infrastructure delivery as well as plan policy making and development management. The range of stakeholders who should be engaged at the pre-application stage is often large and mapping such interests is often a useful initial step to developing the PPA, as are consensus building visioning workshops which focus on the eventual outcomes from the development.</p>
What can this service achieve?	<p>Effective pre-application arrangements in this context not only facilitate a smoother planning process but also work towards a smoother delivery on-site.</p> <p>The process provides a transparent framework to explain the discussions and partnership working that are essential to this kind of large development. It can facilitate the effective involvement of the community and will aid building acceptance and ownership of the scheme.</p>
Will a formal arrangement be required?	A range of partnership arrangements will be appropriate depending on the circumstances and requirements of the parties involved. In the interests of both transparency and certainty these should be spelled out clearly as soon as practical.
Who will be involved?	This scale of proposal will require a combination of leadership, expertise and project management – all of whom will have to be able to commit significant amounts of time to the process.

3. Planning Performance Agreements

i) A flexible project management tool

The main purpose of a PPA is to provide a framework, agreed between the LPA and the applicant or potential applicant, about the process for considering a major development proposal.

A PPA is a flexible mechanism, adaptable to proposals where the issues raised are relatively straightforward to those where the issues are complex, a number of parties are involved and the process may be staged over a long period. No standard PPA will fit all of these circumstances. The process that the PPA sets out will alter according to the number and complexity of the issues to be considered. Therefore the form and content of the PPA will likewise be more complex for proposals that have a greater number of issues to consider and a greater number of parties involved. This is more of a sliding continuum than discrete types; but for illustration, simple, medium and comprehensive types are described here. LPAs are advised to use these as a starting point for their own use of PPAs.



As a general principle the agreement should be as simple as possible, consistent with a proportionate approach to the scale of the proposal and complexity of the issues raised. It will usually be agreed in the spirit of a memorandum of understanding rather than as a legally binding contract. The common elements of a PPA are:

- that the agreement is drawn up prior to the submission of a planning application
- that the LPA and the prospective applicant are signatories to this voluntary agreement
- the agreement includes one or more agreed milestones to define the process of considering the development proposed, including an agreed date by which an application will be determined by the LPA.
- the agreed determination date supersedes the 13 or 16 week statutory time limit
- the agreed determination date also supercedes the 26 week planning guarantee.

The simplest PPAs will be an agreement between the council and the applicant setting an appropriate determination date for a planning application.

More often, the PPA will be agreed during pre-application discussions to set out the scope and timetable for pre-application engagement and subsequent submission and determination of the planning application.

For large strategic development the PPA may encompass the very earliest stages and include collaborative work on visioning, feasibility and developing local plan documents that support its delivery. PPAs can also cover post decision phases, such as the consideration of reserved matters and conditions if agreed between the parties.

In early pre-application discussions, a PPA can:

- build a shared understanding of the vision and objectives for a major development and its fit into the community
- identify the information requirements necessary to address the issues raised by a proposed development
- set out a process for assessing this information
- map the process for engaging the community and involving elected members.

A PPA should give greater certainty to the planning process and help foster a collaborative approach to designing better development. PPAs have a particularly useful role in large developments when the scale and value are high, and where impacts on the community are most significant. In these cases, the community and other parties, such as statutory consultees, gain from the transparent process set out in the PPA and can understand their opportunities to engage and influence the proposal.



ii) Frequently Asked Questions about PPAs

The following table sets out questions and answers to provide more detail on some of the issues that have perhaps prevented their more widespread adoption in the past:

<p>When would a PPA be worthwhile?</p>	<p>While a PPA could be agreed in respect of any development, for most small scale developments there would not be sufficient benefit to justify the process e.g. for development proposals where the prospective applicant is content to utilise the basic level 1 or 2 kind of pre-application service and when the council will expect to consider and determine within the statutory period.</p> <p>Type 1, Simple PPA: Where the applicant has chosen level 1 or 2 pre-application services, some limited issues may remain to be considered during the planning application phase. In these circumstances a PPA setting out a straightforward project plan for dealing with these issues could be appropriate. This simple PPA should be agreed and signed prior to submission of the application.</p> <p>Type 2, Medium PPA: This kind of PPA provides a framework suitable for significant major applications. It is a fitting tool to support pre-application discussions where the applicant chooses to take up level 2 or 3a pre-application services in the expectation that matters of concern will be worked through before an application is submitted. The PPA will probably include milestones for the pre-application as well as for the application phases.</p> <p>The agreement is likely to be between the council and the prospective applicant, although if appropriate, the timetable can set out a path for the involvement of statutory consultees, community groups and members, with the council agreeing to act as co-ordinator.</p> <p>Type 3, Complex PPA: This is a tool to support the delivery of the most complex, strategically important development proposals such as for pre-application services offered in level 3b of the pre-application model. The PPA is likely to be agreed at the earliest stages and may include inception meetings, the preparation of local plan policies, masterplans or development briefs, site assembly, infrastructure planning as well as shaping the development proposals itself. The PPA will aid project management providing a continuous framework for integrating consideration of planning, site acquisition and other regulatory regimes/permitting. This approach facilitates phased development and post application work including permits, highway works and delivery of infrastructure. It can be adapted to set out an agreed process to include a number of participants including statutory consultees, town and parish councils, community groups and statutory consultees.</p>
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<p>Does participation in a PPA oblige the council to grant approval of a planning application?</p>	<p>Although pre-application engagement and PPAs are a means of encouraging a collaborative approach to considering and resolving issues about a development, these agreements do not imply any obligation on the part of the council to approve the planning application for the proposal.</p>
<p>Can the council make a charge for a PPA?</p>	<p>Under Section 93 of the Local Authorities Act 2003, councils can make a charge for providing discretionary services such as pre-application advice. These charges should be on a cost recovery basis only. The charges should be clear and calculated transparently.</p> <p>The charge for pre-application advice is separate from the planning application fee, which is set by regulation and designed to meet the council's costs when considering the application. Where the PPA is a means of project managing the planning application, a council should only make an additional charge for work that goes beyond the council's statutory duty. This would include the elements of a PPA that relate to the pre-application and to post application stage discussions, except in relation to the discharge of conditions themselves, which are also covered by the fee regulations.</p> <p>The government advises that charging agreements should be kept separate from the PPA. For medium and complex PPAs that deal with phased projects over a longer time period there may need to be a framework for staggered or phased payment dates. A separate payment agreement will ensure that the focus of the PPA is on the efficient timely determination of the development application.</p>
<p>Who needs to be part of PPA?</p>	<p>A PPA is normally signed by the LPA and the developer, although there is nothing to prevent other parties joining as signatories if this is appropriate. The inclusion of other parties who will play a key role in progressing the proposals, such as statutory consultees, can ensure better integration and smoother consideration of all the relevant issues.</p> <p>For setting out the strategy for community engagement in a PPA, the council and prospective applicant will be well-advised to look for some input from that community in order to make sure that the process is suitable and achievable. Where suitable groups such as parish councils could also be a signatory to the PPA.</p> <p>The most important issue is that in a PPA, those who sign up must acknowledge a mutual commitment to ensuring that the milestones are met.</p>

<p>What needs to be set out in a PPA?</p>	<p>As with all project management approaches it is sensible to keep the content of PPAs straightforward. The guiding principle should be that the parties agree the way forward. PPAs need to be:</p> <ul style="list-style-type: none"> • agreed between the council and the applicant • recorded in writing • signed by a duly authorised person for each party. <p>They also need to:</p> <ul style="list-style-type: none"> • set out what the development comprises • set out an end date for completion of the planning application – including a Section 106 agreement and section 278 obligations • encapsulate a realistic timetable assuming that all parties are working with the best of intentions to complete in the shortest time possible given the resources available. <p>Type 3 PPAs are also likely to include more information about the working arrangements between the parties, possibly including formal governance arrangements and include a project plan.</p>
<p>How can a PPA set a new determination date?</p>	<p>Article 29 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 – the DMPO – sets out the requirement for councils to give the applicant notice of their determination of a valid application within a specified period; being either the statutory time limit or ‘such extended period as may be agreed in writing between the applicant and the local planning authority’. The extended period can be specified in either a PPA or an extension of time agreement.</p> <p>The determination date specified in the PPA will be the date used for the LPA’s performance management in regard to both the designation criteria and planning guarantee. Provided applications are determined within the agreed time they will be counted positively for the purposes of the performance management of the LPA.</p>



<p>What is the incentive for a developer to enter into a PPA?</p>	<p>The advantages of entering into a PPA are very clear:</p> <ul style="list-style-type: none"> • the process of considering a proposal either at pre-application or through the planning application is set out and much more transparent – it reduces any surprises and sets out defined boundaries • the (potential) applicant has a chance to work with the council and other participants to set out the process – rather than simply reacting to the council's perception of what is required or indeed the council's timetable, he/she can make suggestions, influence the final timetable and clear up ambiguities and so on, which shortens the process • where there is a charge for a PPA, the applicant can be more assured that the resources needed to achieve the agreed timetable will be in place to do it • if other parties such as the statutory consultees agree to be signatories of the PPA, the applicant is assured of their buy-in to achieving the timetable, which increases the chances of a smooth integrated process.
<p>What happens if the council doesn't satisfy the timetable of a PPA?</p>	<p>Because of the planning guarantee and the performance management system for councils set up under the Growth and Infrastructure Act 2012, LPAs have a real incentive to meet the determination date set out in a PPA. Moreover, because the PPA is an agreement, the milestones of the PPA should be realistic in the context of each application.</p> <p>If the LPA does not determine an application within the time set out in the PPA, the applicant still has the right under S78(2) of the Town & Country Planning Act 1990 to submit an appeal against non-determination. An appeal cannot be made until that extended period has elapsed, but the applicant does have six months from the expiry of the extended period in which to give notice of an appeal.</p> <p>Under the planning guarantee applicants can claim a refund for the planning application fee if the application is not determined within 26 weeks unless the applicant and LPA have agreed an extended date for determination.</p>
<p>What happens if the applicant doesn't do their part to satisfy the timetable for a PPA?</p>	<p>Just as for the council, the applicant should sign up to a PPA in the expectation that he/she will do their part to ensure the timetable is met and take their share of responsibility for any slippage. Commercial interests and the embedded costs of developing a proposal through planning should provide a good incentive for the applicant. Although circumstances may sometimes change and a developer may lose urgency or be unable to complete the process, the collaborative understanding reached through the PPA will help to ensure that matters are not left hanging. Just as the applicant has the right to appeal if the council fails to meet the agreed determination date, it is reasonable to expect that the LPA can step aside from the agreed process if the applicant is not prepared to meet their obligations.</p>

<p>Can a PPA be renegotiated?</p>	<p>All parties to the PPA should regularly review progress against the agreed timetable. It is intended as a working project management tool, so as unforeseen matters arise during the course of pre-application discussions or through the formal planning application process the PPA deadlines can be reviewed and a new determination date agreed between the parties.</p>
<p>Can a PPA pass on to a new applicant if the development is sold?</p>	<p>With the agreement of all the parties, a new owner of a development proposal may be able to take over an existing PPA part way through the process. Alternatively, if the character of a development changes significantly during the course of pre-application discussions, the parties might agree an amendment to the existing PPA or make a new agreement. The circumstances will determine which option makes most sense, especially taking account of the need to retain transparency and confidence in the process for local people and community groups.</p>

4. Engaging councillors and communities in pre-application discussions

i) Active involvement of both councillors and communities at the earliest stages of a development project is important to both improving the quality of the resultant scheme and in reducing potential delays.

Why? Because:

1. Local authority councillors are active civic leaders who have goals and aspirations for their area which they want to make happen. Their role in pre-application discussions gives them the opportunity to ensure that new development meets those aspirations.
2. Planning applications for the most significant developments are mostly determined through a democratic process at planning committee. These decisions are made by the elected representatives of the local community, not by officers.
3. Communities all over England are demonstrating their ability to take far reaching positive decisions about the type of development they want to see in their communities through neighbourhood planning. These communities are showing their capacity to consider development constructively and to work with developers and landowners to influence development in a way that is far removed from passive consultation.
4. The involvement of communities is critical to the success of the development planning system. This is reinforced in the National Planning Policy Framework (the Framework) where it states at para 66:

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably”

(see also Article 3A of the DMPO in which prospective applicants are legally required to carry out pre-application discussion with the local community for some kinds of wind turbine projects).

As in all pre-application engagement, proportionality is the key.

The arrangements that LPAs can put in place to facilitate early discussion will vary dependant on the scale and complexity of the development and the likely impact of the development on the wider community.

The role that people play in the development process will affect the reach and timing of their involvement.

All councillors will be chiefly acting to ensure that new development delivers the greatest benefits for their communities, but there are nuances to their roles that affect how they engage in pre-application discussions.

Early and proactive engagement in discussions from ward members and planning portfolio holders helps developers to shape major schemes even before they get to the drawing board. Leaders and portfolio holders in particular may need to act as managers of council assets acting as partners in the delivery of some strategic developments – balancing an asset management role with civil leadership and representing the interests of constituents. They are able to use their position as local leaders to aid important developments that will realise their aspirations for the area.

Ward councillors generally want to be confident that they have the right information about proposals happening in their area in order to be more effective community representatives. They want to do a job in encouraging developers to make proposed developments that their community will value and achieve benefits for their community from developments within it.

Planning Committee members will take decisions on planning applications but balance their community leadership role with the need to keep an open mind prior to decision making. This does not mean that committee members should be insulated from early discussions. It will help to bring about better understanding of the issues through open exchange of information, discussion and constructive questioning.

Councillors involved in early discussions have an invaluable opportunity to understand issues of viability and to explore potential contributions to local infrastructure and affordable housing. Members are able to provide a clear steer on what is likely to be acceptable to the community and can allow problems and opportunities to be identified and addressed as the proposals for the development are put together. The issues raised by statutory consultees can be explored and alternatives assessed.

While the outcome of the planning application is not pre-determined by this process, the issues are better understood and the likelihood of deferrals and delays much reduced.

In the Localism Act 2011 (s25), the government made it clear that the probity rules that ensure that councillors behave with the highest standards in relation to their role in planning are not a barrier to councillors being actively involved in bringing their local knowledge, expertise and understanding of community concerns to bear in the pre-application process. A decision maker must not have made up their mind on a proposal such that they have a closed mind to any new information or alternative views before taking a decision. But it is reasonable for a local councillor to be predisposed to support or object to a proposal as a result of both the community representative and leadership roles.

The PAS/LGA guide “Probity in Planning 2013” sets out more guidance on this matter: http://www.local.gov.uk/environment-planning-and-housing/-/journal_content/56/10180/3979541/ARTICLE

The community in the planning context can include a multiplicity of potential players. It is not just those living near a future development but includes all those whose lives, work or responsibilities could be noticeably affected by it. It can for example include:

- those potentially affected by traffic, noise or visual impact some way away from a site
- the local parish, town council or a neighbourhood forum (as even if their role is not statutory, forums designated for neighbourhood planning will have an equal interest in representing their communities)
- people beyond a parish boundary; if, for example, changes might be happening to a school, centre or open space that serves a wider area;
- amenity and residents’ groups, managers of local community infrastructure
- some external people even if not local, e.g. Natural England if there is a wildlife impact.

It is important that a potential applicant gains a clear understanding of the 'community' in relation to a proposed development early in the process and for the LPA to help the applicant to reach this understanding. While recognising that some aspects of it can, and perhaps should, change as a project evolves, applicants are well advised to use community consultation as one of the channels through which the design of a proposal can be developed and refined. Development of an engagement strategy, setting out how the community will have opportunities to understand and influence developments, is best done as part of early discussions and included within a PPA or project plan.

Applicants may go separately to engage with the community or may work with the LPA, including councillors, to facilitate the discussion at the formative stages. While in some commercial situations a potential applicant may wish to hold back on community engagement for reasons of confidentiality, the LPA should encourage the applicant to bring the community into discussions as soon as practically possible.

Like ward councillors, town and parish councils, neighbourhood forums and other community representatives also value being part of discussions and to shape proposals in their area; to understand the impact of viability, to advise on community priorities and to see that these are demonstrated in the proposals that are brought forward by applicants. Early, open discussions with local communities, are unquestionably the key to effective progress in developing proposals that meet both the needs of the applicant (a faster and more cost effective passage through the planning system) and increased benefits for the community who will live with the eventual development. They too are a key route through to the wider community.

Integrating councillor and community engagement into pre-application processes

To work well and ensure public confidence in the integrity of pre-application engagement, many councils have adopted some form of structured approach especially in regard to the involvement of councillors. This need not be tied to formal presentations, and may include more informal working/discussion arrangements, as appropriate for each council. However for the sake of transparency and so that a prospective applicant can understand the options available, the arrangements need to be integrated into the range of pre-application services discussed at section 2 of this pre-application suite.

In considering what arrangements are appropriate, the following should be taken into account:

- Active discussion will facilitate the design of schemes that better meet the needs of the local community more effectively than an "consult and determine" process
- Arrangements should be proportionate to the scale of the development and the complexity of the issues raised and therefore a range of options should be available
- Arrangements should be sufficiently flexible to accommodate a range of circumstances including where there has been discussion at plan preparation stage, following an appeal or reworking of unimplemented permissions.
- The LPA should have capacity to meet whatever arrangements are put in place
- The process should be managed in such a way that a record can be kept of matters discussed and advice given
- Councillors who are not normally involved in making planning decisions, may require additional support to help understand the development plan context and the NPPF.
- How councillors, town and parish councillors and neighbourhood forums and communities are engaged in pre-application discussions should be part of the PPA project plan and communities may be signatories to the PPA agreement.
- Allow for regular review of any confidentiality requirements in order to work towards inclusive open discussions.

ii) Options for effective engagement

Many councils have adopted good working models for engaging both the community and elected local authority members in pre-application discussions. No one solution will suit all councils or all developments. Councils can adopt a combination or hybrid of these suggested options, depending on the scale of development and the stage of the development process. As with other aspects of a good pre-application offer, all stages, options and costs involved should be clear to participants from the beginning. Any PPA should indicate the form of engagement/discussion that will be adopted and these should be identified as milestones in the project plan.

Discussions at concept stage

Councils are increasingly working to ensure that their economic development and planning services are working in close alignment. As part of this they are signposting a 'front door' whereby potential applicants for significant new developments are encouraged to come to the council at the very earliest stages to discuss concept proposals with senior councillors. Equally, whilst progressive developers have gone straight to the community to discuss proposals early in the design stages for some time, neighbourhood planning has been a catalyst for more direct approaches from developers who wish to work with communities to ensure that their proposals meet community objectives

In both cases this initial contact can set up good relations for the rest of the project or avoid costly delays in taking forward proposals that have little chance of success or community support. Discussions may start with a blank sheet of paper to allow options to be explored openly or may build on proposals that are at an early stage of development. While the discussions may be confidential and preliminary, it is nonetheless important that a record of advice and agreements is made, shared between the participants, and kept on record should an application follow.

Member and community briefings

Formal briefings at a meeting, in some form of presentation or less formally by phone, provide an opportunity for the council officers or a prospective applicant to give an introduction to a development proposal while that proposal is still at a formative stage. The 'audience' may be one or more councillors or a mixed group of people likely to be affected by the proposal and community representatives such as town and parish councillors or neighbourhood forums. Such briefing can be a helpful way for councillors to stay abreast of proposals that are being discussed in their area, neighbourhood or ward. It's also an effective means for portfolio holders to have an overview of development across the local authority. Briefing is most appropriate at the early stages of discussions between the council and a prospective applicant. It is envisaged more as a presentation of information than a discussion, allowing the 'audience' to take in the information and provide a considered response later. Some councils allow a developer to brief councillors directly. In all cases it is important that a record is kept, alongside a copy of any written briefing or presentation material.

Interim committee report/presentation

This is useful for ensuring that the planning committee members are given an early sight of pre-application proposals in a more formal surrounding with the public present and providing a public record. The officers prepare a report that briefs on the scheme; the issues raised in planning terms, and matters discussed in informal pre-application meetings with councillors, statutory consultees and community groups. The developer may be offered a chance to give a presentation to the committee members outlining the scheme including any on-going discussions such as viability and provision of community benefits. Some councils allow ward members and/or parish/town councils to also address the committee in order to raise issues that the community may have about the development. The committee hearing the briefing have a chance to openly question and explore the proposal while keeping an open mind about the proposal. This provides a public record of discussion and therefore high levels of transparency.

Discussion forum

A developer or the council can host a discussion forum attended by officers, councillors, representatives of other statutory consultee bodies and community stakeholders (as identified in the councils SCI). This can effectively combine the engagement of councillors and community representatives and members of the public in a single event. It differs from the member /community briefings in that it is not an information opportunity but a working discussion forum therefore it is important that this takes place when the scheme remains fluid and capable of change.

The prospective applicant has an opportunity to present his/her initial design and hear reactions from those present. Statutory consultees have an opportunity to outline any concerns, modifications or mitigation measures they consider to be required. The councillors and community representative can ask questions of both the applicant and statutory consultees about the detail of the proposal. The design, financial viability, local impacts and contributions to infrastructure and affordable housing can all be considered, views expressed and suggestions tabled. Such forums will require effective chairing. In most cases this local leadership role is taken by a councillor. The task of organising and funding the events will be agreed between the council and the prospective applicant under the terms of the pre-application offer or PPA. Some councils run regular planning discussion forums and the meeting may deal with several prospective developments in a single agenda – depending on the scale and complexity of the issues and level of public interest. This format has the advantage of keeping discussions in the open, providing an organised platform for all those with an interest in the development to gain a mutual understanding of issues and help to shape more successful schemes. The record of discussion at such meetings should be a material consideration later in the application process.

5. Calculating the cost of pre-application services

This section provides a good practice guide for councils to understand their costs of providing pre-application services. Councils can then make an informed decision on whether to transfer the cost of provision to applicants or cover the cost themselves. This may include charging only a proportion of the cost or charging for only certain parts of the service.

Introduction

The fourth commitment of the 10 Commitments commits councils to demonstrating their pre-application services are good value for money, whether or not a charge is made for the service. For prospective applicants, an effective pre-application service is one where the longer-term benefit of having the LPA's advice and early community involvement outweighs the short-term cost of both providing the information and paying for the LPA's service. The service must have the capacity to deliver useful answers and advice within a promised timeframe.

Applicants who are asked to pay for pre-application service from the LPA will want to be sure that the cost is fairly calculated and relevant to the services provided.

Councils and communities also stand to gain from pre-application services, so councils will want to consider the risks of applicants being deterred because of a charge. But conversely they also need to assess the risks providing an ineffective offer "on the cheap" if they do not have the resources to provide a service that is worthwhile to developers.

The starting point is therefore that all councils should know what it costs them to provide a useful, good value pre-application service.



i) Understanding councils' costs of providing a service

a. Most councils will have more than one type of pre-application offer:

Level 1 – General pre-application information: Leaflets and online advice. The cost to the council of providing this guidance tends to be one-off. Many LPAs reduce costs through coordination with other LPAs or the Planning Portal.

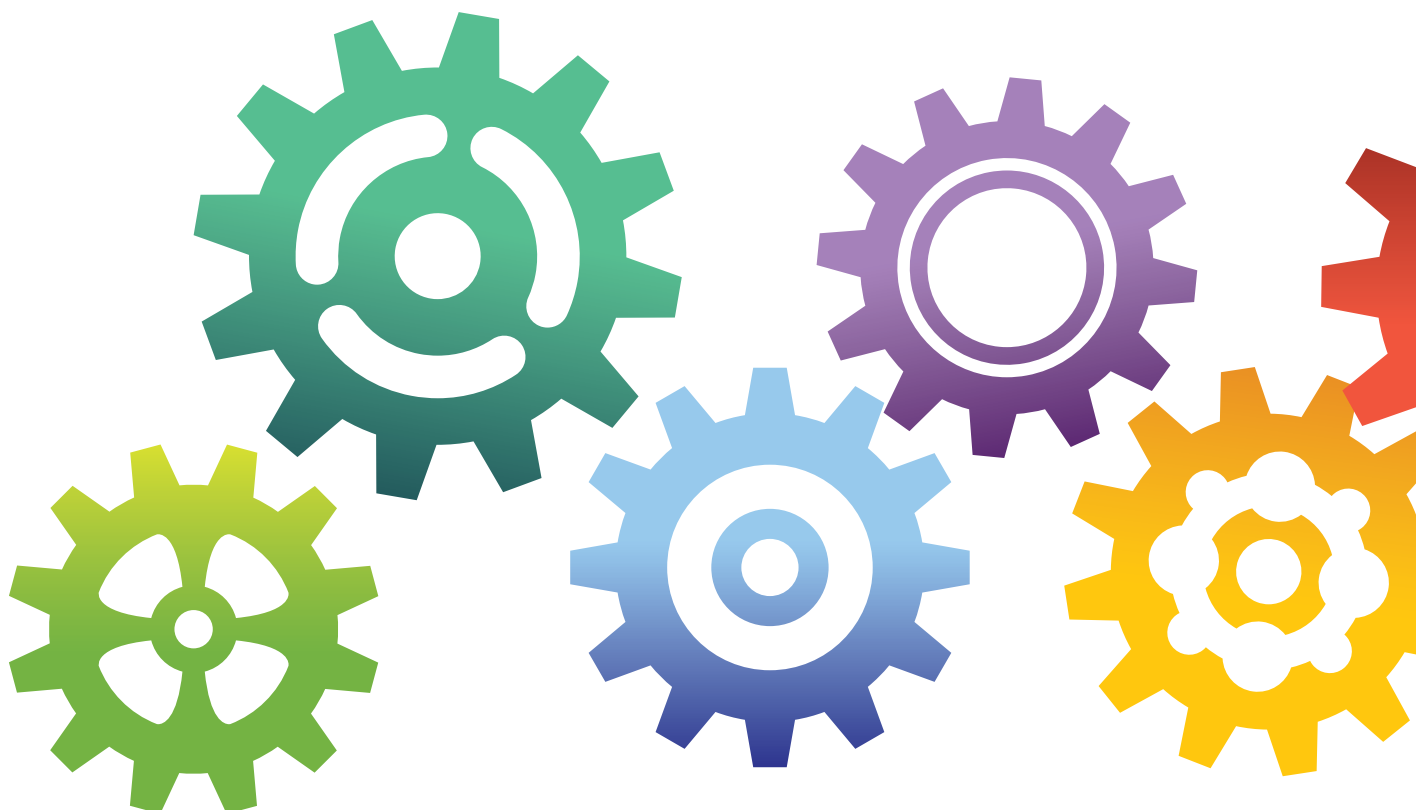
Level 2 – Specific information and pre-application comment on a proposal: These costs can include design briefs for sites going to market but more usually involve a written response to a particular proposal. Some LPAs offer a bookable or drop-in meeting service for straightforward schemes. The service is fairly standardised and the resources that the council will put into this is well understood; therefore costs are easily calculated.

Level 3 – Pre-application discussion and detailed advice on complex proposals. The elements in the pre-application offer can be viewed as items on a menu, the cost of each can be approximated. The overall cost of this kind of pre-application guidance will not be known at the outset, and may change as the scheme progresses. But by using a PPA, the cost can be estimated at the beginning of the process.

- b. Staff time forms the largest part of pre-application engagement. This includes the costs of employment (wages, holidays, national insurance, pension etc.) for the productive hours spent in work. For simplicity, overhead costs of providing services (corporate services, office costs etc.) can also be distributed across the total staff hours to create a composite hourly rate including oncosts. For simple pre-application services the costs are best expressed as a composite hourly rate x the number of hours spent providing the service.
- c. Planning authorities will often engage with several different parts of the council (for example Highways and Environmental Health) in order to provide a “single voice” for the council in pre application discussions. The full cost of provision includes the participation of people from all parts of the council.
- d. For some types of advice, LPAs will buy in expertise because specialist skills are not available within the council. Councils may also incur other costs, for example hiring a hall for a public meeting. These should be included within the cost of the standard services where appropriate or recorded as special items for the large and unusual schemes (as within level three). It is reasonable for a handling charge to be added to such costs to cover administration, procurement etc. but, once again, this should not exceed the actual costs.
- e. Planning authorities will sometimes coordinate the participation of external organisations, for example upper tier authorities, statutory consultees or town and parish councils. Some organisations will charge the LPA while others will not. Councils should be careful to keep accurate records so that any costs that are subsequently passed on to the prospective applicant are genuine.
- f. Pre-application costs are separate to those covered by the planning application fee. When calculating pre-application costs there should be a strict delineation between pre-application and application activity/services.

ii) Recovering councils' costs

- a. Councils can choose to recover the cost of pre-application work by making a charge under the s93 Local Government Act 2003 for providing a discretionary service. When making a charge, councils must set the charge at a level that does not generate a surplus. For this reason, LPAs should review their fees regularly and compare costs and income.
- b. Some councils will decide to make the advice for particular types of development exempt from charging. These exempted costs should be borne by the council and not by other users.
- c. Fees should be kept as simple and transparent as possible. For many straightforward situations this will be an hourly rate x an estimate of the time that will be needed to perform the service. For the majority of pre-application transactions councils will be able to use their knowledge of how officers spend their time (timesheets or benchmark data) to work out a flat fee that is a reasonable estimate of costs.
- d. Councils with a wide range of development proposals may want to offer a more differentiated offer – e.g. a different hourly rate for junior and senior staff aligned to the tiers in their offer.
- e. For the elements that make up the 'menu' for pre-application offers on complex (level three) proposal, councils will be able to use their information of staff time taken, direct costs (such as venue hire or employment of specialist expertise) and other costs associated with the specific service to apply a standard costs for each item on the 'menu'. This can be reflected in the charge made for a PPA.
- f. Whilst the charges made for pre-application services should match costs, the amount of work required to set, communicate, monitor and review fees should be proportionate to their value. Some degree of estimation and averaging is therefore inevitable and reasonable.



- g. Councils should chose a method appropriate to the service required and be prepared to vary it if required:

Method	Overview	Charging
Standard charges	Pre-application requests are divided into standard types, based on the offer of specific services – e.g. one meeting on site, consideration of the plans and a letter giving advice and setting out the key issues. Each type is assessed for how much time is required and multiplied by the productive hourly rate to calculate the charge.	Paid when pre-application request is submitted. Often used for level two.
Variations to standard charges	Councils will not be able to make a menu of standard charges that is appropriate in every circumstance. In some situations it will be simplest to use the standard charges as a base from which to agree a price, using the hourly rate or one-off specific costs as a guide.	Negotiated price paid when pre-application request is submitted. Can be used to vary level two or to calculate level three.
In arrears	For the largest proposals, where pre-application discussion may take place over a prolonged period, it will not be practical to scope out all the work required at the pre-application stage. In these situations a guide price (or estimated levels of resource) is used. The work itself is monitored and an account kept.	Invoices are calculated and raised based on actual costs as milestones are achieved or as otherwise agreed. The arrangements for recharging can be agreed as part of the PPA or through a side agreement.

- h. To provide up-front, clarity councils should design a fee schedule that ensures that the majority of straight-forward situations are covered by the standard charges.
- i. Billing in arrears is the most accurate method and can guarantee that each pre-application is precise in its cost recovery. However it is not popular with applicants who prefer price certainty. It is also costly for councils and disproportionate for all but the biggest proposals. Councils can have problems recovering the debt unless there is a drawdown agreement (as used by many solicitors). For this reason it is usually reserved for PPA arrangements in level 3 or where there is a history of good working relationships.

iii) Estimating standard charges (a worked example)

- a. The true cost of staff time is a product of the salaries of the people involved, their oncosts and non-productive time (eg annual leave).

The productive hourly rate

Average hourly rate £20.12/hr¹

Total oncost 135%²

Composite hourly rate = £20.12 x (1+1.35) = £47/hr

¹ £20.12 is the average hourly rate of DM staff in the 2012 national benchmark

² The total oncost (including accommodation, corporate costs, annual leave, training, sickness) is an average 135% from the same benchmark

- b. The results of a national benchmark give a range of rates for a productive hourly rate of a single officer from £45.00 to £60.00. This represents a range of the staff involved in planning (managers, planners and clerical/technical support staff). Councils may want to pick a single average rate, or more than one to reflect the degrees of seniority involved. The productive hourly rates for key grades of staff should be made public, as they will be used as the basis for the calculation of standard charges and agreeing variations to them.

An example of estimating a charge for a duty planner service

The service is provided on a rota by several planners within a grade. Their productive hourly rate averages £50.00. The service is provided in 25 x 90 minute slots per week

The charge per slot = £50 x 1.5 = **£75.00 + VAT**

More than one person may be involved at several points during the pre-application process (for example, several aspects of the scheme may be considered together at a multidisciplinary development team meeting). Rather than adjusting the hourly rate upwards to reflect these additional people, the number of hours should be adjusted.



An example of estimating a charge for a meeting service

The service is provided by a mix of people on different grades. The preparation is done by the potential case officer and the meeting is conducted with the addition of the Head of Service and the Team leader. The Head of Service reviews the record before it is sent out.

Briefing and preparation: 3 hrs x £50

Meeting: (2hrs x £50) + (2hrs x £55) + (2hrs x £65)

Written record: (2hrs x £50) + (0.5hrs x £65)

The charge for the meeting = **£620.00 + VAT**

Note that this should not then be set out as £207/hr for a three hour meeting, as it is composed of different staff at different rates and so does not scale.

- c). More complex developments may also require other sorts of provision – for example hiring of spaces for consultation and advertising. Unless they are routine and predictable this type of cost should be separately paid for by the developer as required or agreed and added onto the standard charges.



iv) How to introduce a charging schedule

LPAs who decide that they do not want to introduce a charging schedule and will therefore bear the cost of providing a pre-application service themselves should still want to introduce rigorous service standards and feedback to ensure it is well-delivered.

- a. Councils introducing a new scheme or one with substantial changes may want to begin with a consultation process. This can seek views on whether the inputs to the standard charges are useful, or whether the service standards are appropriate.
- b. How councils make the final decision on charges will depend on the standing orders of the individual council. In some councils this will require resolution at either a meeting of full council or suitable subcommittee. The decision will need to include as a minimum:
 - i. The date of the implementation of the scheme. It is standard to allow at least 12 weeks' notice of significant changes to charges
 - ii. Service standards
 - iii. Any exemptions to the scheme for particular classes of development or categories of applicant.
- c. Many councils will choose to include further information
 - i. The categories of advice and the basis for the charging assumptions behind each
 - ii. A communications strategy for giving notice of the charges and ensuring that the council's website includes the up to date information.
- d. There are several other administrative changes required in advance of implementing a charged pre-application service. For example:
 - i. New accounting codes so the pre-application income can be separately identified
 - ii. A monitoring arrangement so the assumptions behind the standard prices can be reviewed
 - iii. Customer feedback and evaluation of the service.

6. Sharing examples from local authorities

1. Council websites where pre-application services are set out clearly showing a range of services for the prospective applicant to consider:

- London Borough of Croydon
<http://goo.gl/c4c96>
- Cheshire West and Chester Council
<http://goo.gl/ZLhr7c>
- Bristol City Council
<http://goo.gl/o9EVPF>
- Kirklees Metropolitan Borough Council
<http://goo.gl/Zf9v9E>
- Eastleigh Borough Council
<http://goo.gl/3KDpoB>
- Cornwall Council
<http://goo.gl/Kx0CCg>
- Hastings Borough Council
<http://goo.gl/Zclik3>
- Swindon Borough Council
<http://goo.gl/9Qmw7z>
- Mid Devon District Council
<http://goo.gl/SnAu1h>
- East Hampshire District Council
<http://goo.gl/xwjN8o>

2. Planning performance agreements

PAS has uploaded a number of examples of each type onto our website. For others you can see examples and templates available on the council's website along with protocols or charters explaining how the PPA can be used as part of a pre-application service.

Examples of Charters or protocol documents

- The Cornwall Council Planning Charter: Working together on major planning applications using Planning Performance Agreements.
<http://goo.gl/CJuph8>
- The Bristol Planning Protocol: working together on major planning applications
<http://goo.gl/o9EVPF>
- Leeds City Council, Planning performance agreement Charter:
<http://goo.gl/4mLF0C>

Templates and examples of PPA types

Type 1 – Simple PPA

- Bristol City Council
<http://goo.gl/iq3rXZ>
- Lake District National Park
<http://goo.gl/ISVVqB>
- Cornwall Council please edit
<http://goo.gl/95ZFOi>

Type 2 PPA – Medium PPA

- London Borough of Croydon Planning Performance Agreement
<http://goo.gl/jlP1f4>
- Cornwall (an example of a PPA developed for a complex development proposal)
<http://goo.gl/UTfCvN>
- Bristol
<http://goo.gl/BynUs0>
- Westminster City Council
<http://goo.gl/8UvXP6>
- London Borough of Islington
<http://goo.gl/ny59G7>

Type 3 PPA – Comprehensive

The guidance prepared by the ATLAS team at the HCA provides guidance based on their experience of supporting councils who are dealing with this kind of very complex development proposal.

<http://goo.gl/miTj9g>

Also Making a PPA Work for Your Project:

<http://goo.gl/ohV6fM>

3. Involving the community and councillors in pre-application discussions

- Stroud District Council
<http://goo.gl/XocxVP>
- Bristol City Council – Guidelines for community engagement
<http://goo.gl/b554pQ>
- Havant District Council
 - i) Development consultation forum information note:
<http://goo.gl/N2fhly>
 - ii) Web site record of consultation forum agenda and submitted information
<http://goo.gl/tvAf80>
 - iii) Development consultation forum neighbour's advice letter template
<http://goo.gl/ZhbqWz>
- East Hampshire District Council – consultation forum
- Advice to developers
<http://goo.gl/jHwLG8>
- Hastings Borough Council – Development Consultation Forum
Information note
<http://goo.gl/z4PI7W> and <http://goo.gl/X4k24J>
- London Borough of Croydon – consultation strategy
<http://goo.gl/KUPP3H>
- London Borough of Camden – councillor briefings
<http://goo.gl/j6GWXw>



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