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1. Introduction and Context

- 1.1 A planning performance agreement (PPA) is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage, such as the discharge of planning conditions.
- 1.2 They can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority, and can also help to bring together other parties such as statutory consultees. A PPA is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed.
- 1.3 They allow for both the developer and the local planning authority to agree a project plan and programme which will include the appropriate resources necessary to determine the planning application or pre-application master planning within a defined timetable.

2. Aims and Scope

- 2.1 Tonbridge and Malling BC wants to ensure that planning applications are dealt with in a timely and effective way. We recognise that the successful delivery of development of all scales requires good communications with developers, the community and other agencies. This can reduce delays, conflicting advice and increase certainty for all involved in the planning process. We will work in partnership with the development industry and communities enabling us to work more efficiently and transparently to achieve this and the use of PPAs is an important tool in facilitating such practices.

3. Benefits

- 3.1 There are many benefits and advantages of a PPA between the Council and a developer, including:
 - Better overall management of advice and post application stages;
 - Identification of key issues at an early stage;
 - More realistic and predictable timetables;
 - Greater accountability and transparency;
 - Improved partnership working.

3.2 It should be noted that the PPA agreement and the process of PPAs is in no way prejudicing or pre-judging the outcome of the application or the Council's impartiality or its discretion as local planning authority.

4. Types of development

4.1 In PPAs can be used for any application, although whether an agreement is justified will depend on the size and complexity of the proposal. However, developments that are likely to qualify for this approach would generally fall within the category of large-scale major applications or significant developments, which are unique, complex schemes. This further detailed in the Fee Schedule, produced at Appendix 1 of this document.

4.2 Not all developments that fall within these criteria are necessarily suitable for planning performance agreements. Equally, other developments may also be suitable for the PPA approach such as:

- Individual developments and development programmes of major strategic importance to Tonbridge and Malling in terms of housing delivery, job creation or investment;
- Individual developments which may raise significant issues needing environmental assessment, where particularly challenging constraints are present or where matters relating to conservation of the built environment and/or urban design or heritage apply, for example;
- Developments which are a corporate priority which may have a wider Council involvement;
- Developments eligible for limited public funding;
- Individual development parcels of larger strategic sites to ensure consistency and timely delivery of the wider scheme and any associated infrastructure.

4.3 Officers will advise developers at the pre-application stage if a scheme is considered appropriate for progression via a PPA. In the event that this opportunity is not taken up (i.e. an application is subsequently submitted without engagement concerning such an agreement), it will be handled as a routine application within the existing work load of the team, without dedicated resource or priority, regardless of its particular nature.

5. Community Engagement

5.1 As part of its ongoing pledge to community engagement and consultation the Council is committed to consulting local residents and businesses to inform its decisions so they have a meaningful opportunity to influence the development of Tonbridge and Malling. The type of consultation that is appropriate before

applications are made will vary depending upon the scheme and will be agreed via the PPA but could include public exhibitions and meetings, surveys of opinion and consultation with other key local groups. The Council will expect the developer to carry out the consultation but can provide advice on the most appropriate methods for doing so and the groups they may wish to consult.

6. Member Involvement

- 6.1 Councillors should be involved so they can gain an understanding of the project and other relevant issues. Any such involvement will always be led by the Council. They may ask questions and raise issues but will not be expected to offer personal opinions on a scheme. All Councillors will need to adhere to the Code of Conduct for Members in this respect and cannot predetermine their view on a scheme that will subsequently be the subject of a planning application.
- 6.2 Applicants should not engage privately with councillors. There will be occasions when briefings may be held with relevant councillors particularly those whose electoral ward the PPA scheme is situated. This will be agreed on a case by case basis between the two project teams.

7. TMBC responsibilities and commitments

- 7.1 TMBC will identify a lead case officer who will manage the process and take on the responsibility of project delivery. This will be a council officer with experience relevant to the nature and scale of development proposed. The Council, via the lead case officer will:
- Act as the primary point of contact with the developer's project team and where necessary arrange meetings between the project teams in a timely manner;
 - Progress the project through all key stages in accordance with the agreed project plan through ongoing review and communication;
 - Ensure delivery of tasks within the agreed timetable through regular review of the programme, provision of feedback on key stages where necessary and identification of early key issues;
 - Coordinate the Council's project team;
 - Manage all public consultation including the coordination of all external statutory or specialist advisers and liaise with all necessary stakeholders.
- 7.2 All case officers will work on behalf of TMBC in the wider public interest to ensure delivery of the optimum scheme that meets the Council's strategic objectives and accordance with all relevant planning policy. Officers in meeting their responsibilities will express their own professional judgment that will form

the basis for the negotiations with the developer. Such judgements will not, however, bind the Council to a final recommendation nor will they override the requirements for a planning application to be determined without prejudice and within the statutory requirements.

8. Developer responsibilities and commitments

8.1 TMBC will expect the development to approach any project in a collaborative manner and work cooperatively with the Council at all stages. The developer will be expected to use best endeavours to meet the agreed programme and to provide any information requested in a timely manner. They will also be expected to appoint the appropriate professional consultants with sufficient experience to reflect the complexity of any given project.

8.2 In particular, the developer will:

- Engage in meaningful pre-application discussions, with adequate time allowed for the preparation of essential information and assessment of proposals and as part of this progress with master planning work as necessary.
- Agree to a project plan, including the key stages and milestones, which take into account the need for discussion and review to take place;
- Pay the required fees;
- Submit a complete planning application with all of the requested supporting information as agreed with the Council, including a draft legal agreement where appropriate.
- Respond within the agreed timescales to requests for further information and/or revisions;
- Attend project meetings with relevant persons;
- Keep the Council informed of progress at all key stages of the project;
- Undertake public consultation prior to submission where agreed.

9. Funding

9.1 TMBC expects the developer entering into a PPA with the Borough Council to pay the agreed PPA fee at the required time. The PPA schedule of charges, as set out at Appendix 1, will be published on the Council's website and will be periodically reviewed.