

Epping Forest District Council
Planning Performance Agreement Framework
Version 1.1

The following document sets out an initial framework for Planning Performance Agreements (PPAs) in Epping Forest District, recognising that each one will be bespoke to the site(s) in question. Green highlighting signifies text that will most likely be amended for each PPA.

PPAs are voluntary agreements entered into by Councils and landowners / site promoters (and potentially other stakeholders) to set the principles and timetable for the preparation and determination of major or significant planning applications.

Planning Practice Guidance (Paragraph: 016 Reference ID: 20-016-20150326) explains that a 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. PPAs 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.”

Through the establishment of this PPA Framework, the Council intends to promote proactive, positive planning, which is ‘front-loaded’, and ensures coordination in the provision and delivery of high quality development and associated infrastructure. The Framework is intended to provide a template and a consistent basis to develop PPAs with landowners / site promoters as required. The final content of each PPA is likely to vary, depending on the circumstances and context.

EFDC will seek to agree that PPAs are established at the earliest possible stage to ensure the timely delivery of the [draft] site allocations within the Local Plan. By doing so, EFDC are able to promote a ‘front-loaded’ project managed approach to the progression and delivery

of development proposals with landowners / site promoters, together with the resources required to achieve this.

Through the agreement of PPAs, EFDC will seek to ensure that planning proposals are developed as appropriate in coordination with Council services, as well as with key stakeholders such as Essex County Council wherever possible. By putting in place PPAs at the earliest possible stage in the process, the Council will be able to provide the services required to provide clarity to landowners / site promoters through the planning process, whilst also seeking to ensure that the production of proposals for sites identified for allocation within the emerging Local Plan are high quality, reflecting both the policy requirements of the Council, and the requirements and aspirations of the local community.

It is important to note at the outset that owing to the need to retain flexibility through the PPA process, it will not be possible at this stage to set out many of the specific details or scope that will be required in a final PPA. The purpose of this Framework is to establish the broad parameters and form for PPAs, and it is acknowledged that further detailed discussions relating to matters such as scope, timescales and payment milestones will ultimately be required on an agreement-by-agreement basis.

PPAs are intended to provide a mechanism to enable the timely delivery of development associated with the Local Plan by ensuring that sufficient skills, expertise and resources are in place to facilitate the progression of planning proposals, encouraging a project managed approach, and wherever possible avoiding unnecessary delays and blockages which may otherwise frustrate progress. The Council recognises the need to deliver high quality timely development in accordance with the Local Plan housing trajectory, in order to demonstrate that allocations are deliverable, and to achieve a 'sound' Local Plan. It also recognises the importance in achieving a sufficient supply of deliverable housing to meet the short and long-term needs of the District.

When entering into PPAs with landowners / site promoters, the Council will seek to recover the costs of the production of Strategic Masterplans (where they are necessary), pre-application discussions, Quality Review Panel (where appropriate), Design Coding (where appropriate), determination of planning applications, establishment of planning obligations and implementation post determination. The presence of a PPA does not guarantee that a Strategic Masterplan or planning application will be endorsed / granted, and only commits EFDC to delivering outcomes within agreed timescales.

Planning Practice Guidance (Paragraph: 023 Reference ID: 20-023-20150326) stipulates that:

“PPAs are intended to be agreed in the spirit of a ‘memorandum of understanding’. They are not intended to be a legally binding contract, unless the parties wish to approach it in this way. It is helpful to be clear about its status in the planning performance agreement itself.”

The Framework seeks to clarify this accordingly.

The Council recognises that the PPA Framework will need to be reviewed and amended over time to reflect the progress of the Local Plan, Strategic Masterplans, and the evolution of other associated processes. It is also recognised that it is not possible to provide detailed requirements associated with the later stages of the planning and delivery of sites at this point in time, and that the Framework will therefore need to be updated over time to reflect progress accordingly.

More information on the role of PPAs can be found in the National Planning Practice Guidance - <https://www.gov.uk/guidance/before-submitting-an-application#planning-performance-agreements>

This Planning Performance Agreement (PPA) is made [xx] day of [xxxxxx] 20[xx]
between:

(1) [Epping Forest District Council
Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ ("EFDC")]

and

(2) [xxx, address] ("Landowner")

[and]

[Additional parties can be added as necessary e.g. Essex CC, Natural England,
Environment Agency, etc]

1. Introduction & Purpose

- 1.1 This Planning Performance Agreement (PPA) between the parties named provides a project management framework for handling this proposed [major/coordinated] planning application(s) from Strategic Masterplanning and pre-application, through to determination [and implementation]. This framework is intended to improve and speed up the planning process by committing all parties to an agreed timetable containing milestones that make clear the level of resources and actions that are required and ensure that all key planning issues are properly considered and resolved at the earliest possible stage.
- 1.2 In accordance with Planning Practice Guidance PPAs are intended to be agreed in the spirit of a 'memorandum of understanding'. They are not intended to be a legally binding contract. Alongside PPAs the Council will also be seeking to agree Statements of Common Ground with landowners / site promoters in relation to sites included for allocation to support and demonstrate the deliverability of the Local Plan at the Examination-in-Public.
- 1.3 The PPA will provide a mechanism to manage the process of bringing forward eventual planning applications to deliver the development envisaged by the Epping Forest District Local Plan. If appropriate, this approach may also be used to handle any other *ad hoc* development proposals for major schemes. The presence of a PPA does not guarantee that any Strategic Masterplan or planning application will be endorsed / granted by EFDC.
- 1.4 This PPA relates to land at [xxx] (Site Plan at Appendix 1), where development is proposed by the [Draft] Local Plan. Draft Policy SP [X] [other policy reference as appropriate] identifies the scale of development that is expected to be delivered, together with other relevant key requirements. The Landowner(s) has promoted the land and development through the Local Plan process and it has been assessed as a potentially appropriate site for a [major] development scheme. The Landowner(s) will continue to positively promote the site through the Local Plan process, and will continue to engage proactively with EFDC via the Developer Forum and other relevant mechanisms.

2 Planning Context

- 2.1 Epping Forest District Council published the Draft Local Plan for consultation between October and December 2016. This document identified the sites that the Council considered at this stage should be allocated for residential development and traveller purposes, and in due course sites for employment and/or other forms of development will also be identified as required. A number of these sites are within the Green Belt, and represent significant additional growth to existing settlements. It is necessary to ensure these sites are delivered in a cohesive and timely manner to fully realise the aspirations of the Local Plan.
- 2.2 The preparation of the Draft Local Plan is supported by a wide range of evidence, all of which is available to guide the way in which the development will be delivered. In addition, the Council intends to prepare site guidance for allocated sites where appropriate, which will be published in the Pre-Submission version of the Local Plan. It is intended that this will set out the broad principles and requirements for each site, which in some cases will be further supplemented by Strategic Masterplans as necessary.
- 2.3 EFDC is seeking to work with landowners / site promoters in a collaborative and open way, in order to bring forward the development envisaged by the Local Plan in a timely fashion. The principles for communicating and engaging with local and other relevant stakeholders are set out in Section 5 below.
- 2.4 [Where Strategic Masterplans are identified as being required, the scope of this PPA will be extended to incorporate this element.]
- 2.5 In March 2017, EFDC agreed a revised Local Development Scheme which identifies the timetable for the further preparation of the Local Plan. It is intended that the Pre-Submission representation period will take place in January/February 2018, with subsequent submission to the Planning Inspectorate in May 2018.

3 Governance

- 3.1 Delivery of the development envisaged by the Local Plan will be the responsibility of the project leads as follows:
- Xxx, Position, EFDC

- Xxx, Position, landowner / planning agent
- Xxx, Position, ECC [if appropriate]

3.2 In addition a project team reporting to the project leads will be established comprising:

- Development Management Officer, EFDC
- Planning Policy Officer, EFDC
- Land Drainage Engineer, EFDC
- Affordable Housing Officer, EFDC
- Legal Officer, EFDC
- Conservation Officer, EFDC
- Tree and Landscaping Officer, EFDC
- Countrycare Officer, EFDC (for ecology/biodiversity)
- Leisure Officer, EFDC (for open space and leisure requirements)
- (If necessary – Asset Management/Economic Development Officer, EFDC)
- [Additional personnel – landowner / planning agent as appropriate]
- [Additional personnel - statutory stakeholders as appropriate]
- [Additional personnel – representative(s) from Essex County Council / other local planning authorities as appropriate]

3.3 The EFDC lead officer, or substitute as appropriate, will ensure that Senior Management and Members are kept apprised of progress against key milestones. Members will be engaged throughout the process of preparing Strategic Masterplans, pre-application planning advice, planning application(s) and implementation in accordance with EFDC's Planning Protocol and constitution.

3.4 The Developer Forum will continue to provide a mechanism to share and discuss information about the Local Plan and its implementation, and to understand the key principles of development across the District.

4 Project Vision & Objectives

4.1 The overriding objective is to achieve a successful, high quality development, that meets the requirements and aspirations of the policies set out within the emerging Local Plan, as well as the local community. The site is identified in the [Draft] Local Plan, and it is anticipated that this open and transparent process will aid the delivery of sites and associated infrastructure at the appropriate time.

4.2 The PPA will help to deliver development(s) that provides the appropriate range and type of uses, as required by Local Plan [and Neighbourhood Plan] policy as applicable. It will also ensure that the progression of plans will take into account the other sites that are to be developed as part of the delivery of the Local Plan, and any requirement for joint or coordinated Strategic Masterplanning that may result.

5 Community, Member & Stakeholder Engagement

5.1 The landowner will be expected to support community and Member engagement as agreed with the EFDC officer team. The scope and nature of engagement is likely to include the following elements:

- Strategic Masterplanning stage – including use of Quality Review Panel, community consultation events and exhibitions, presentations and reporting to Members and stakeholder groups as appropriate, cooperation with Neighbourhood Planning groups as necessary
- Pre-application stage – including use of Quality Review Panel, Development Management Forum or appropriate Committee, presentation and reporting to Members and community groups as appropriate
- Planning application stage – during outline and detailed planning applications, to include use of Quality Review Panel as appropriate, agreement of Design Codes (where appropriate), engagement with the Development Management Forum or appropriate Committee, presentation and reporting to Members and community groups as appropriate, open liaison on s.106 agreements
- Post determination implementation – regular liaison with Members & community groups providing updates on implementation including any sign off of pre-commencement conditions, monitoring of implementation of consented development

5.2 It is anticipated that a Development Management Forum will be established in due course to sit alongside the existing Planning Committees and the Developer Forum, and that landowners / site promoters will engage with this Forum. It will provide a mechanism for Members to be kept informed of progress and receive presentations in a public arena. [the scope and nature of the Forum is to be determined]

- 5.3 The scope and timing of community, Member and stakeholder engagement is to be agreed in advance with EFDC in order to ensure a coordinated and joined up approach is taken alongside engagement being undertaken as part of the Local Plan and avoid 'consultation fatigue' and confusion.

6 Project Programme & Key Milestones

- 6.1 The project programme is included at Appendix 2. This is informed by the overall development and infrastructure phasing trajectory prepared to support the Local Plan [and includes the key milestones for preparation of the required Strategic Masterplan]. Regular meetings within the project group [the scope and nature of the project group is to be determined] will be required.

- 6.2 Performance standards will apply to all parties to enable efficient project management as follows:

- Communications, be it via email or hard copy correspondence shall be acknowledged within 10 working days (preferably less) with a suitable response where possible.
- Telephone messages shall be returned within 2 working days of receipt.
- Relevant information will be circulated by all parties no later than 3 working days prior to a meeting.
- The Applicant's Planning Agent (or other individual as appropriate) is to circulate meeting agendas, unless otherwise agreed, no later than 3 working days prior to any meeting.
- Unless otherwise agreed, the Applicant's Planning Agent (or other individual as appropriate) will circulate minutes no later than 3 working days after the meeting.
- If requested by the Applicant or Planning Agent, EFDC shall provide informal feedback on information presented at a meeting within 10 working days from that meeting.
- Formal feedback from pre-application or working group meetings will be provided within 20 working days from that meeting.
- Timescales for providing feedback in relation to technical studies or assessments to be agreed between EFDC and the applicant.

- 6.3 Key milestones will vary between sites, but are likely to include:

- Establishment of PPA
- Preparation of Draft Strategic Masterplan (where required)
- Pre-application discussions
- Outline Planning Application
- Design Coding
- Detailed Planning Application
- Completion of S106 negotiations
- Project implementation and monitoring

7 Scope of the Agreement [delete/amend as appropriate]

| Stage | Necessary elements |
|--------------------------------------|--|
| Requirements of Strategic Masterplan | <p>It is expected that Strategic Masterplans would be primarily map/graphic based and include the following:</p> <ul style="list-style-type: none"> ○ Site constraints and opportunities plan ○ Contextual analysis ○ Vision and development objectives ○ Development concept plan(s) ○ Land use plan ○ Movement plan ○ Landscape and ecology framework plan ○ Green infrastructure plan ○ Drainage plan ○ Development concept and overall illustrative strategic masterplan ○ Key strategic design principles (informed by Quality Review Panel input as appropriate) ○ Development and infrastructure phasing and delivery plan <p>An outline scoping document for Strategic Masterplans will be expected as the first stage of this process. EFDC Officers will seek approval on this scoping document from Members as appropriate.</p> <p>As necessary and appropriate, EFDC will make available sources of evidence already completed to inform the preparation of Strategic Masterplans. Where additional evidence is required, EFDC will agree the content of this with the landowner / site promoter and expect that this will be provided as part of the Strategic Masterplanning process.</p> <p>Landowners / site promoters will be expected to utilise the Quality Review Panel.</p> |

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| | <p>EFDC will convene regular meetings to oversee the progress of the production of Strategic Masterplans, seeking input from relevant members of the project team as appropriate.</p> <p>It is anticipated that at least two rounds of community consultation will inform the progression and development of Strategic Masterplans. Initial consultation will seek early engagement from the local community in the consideration of options. The landowner / site promoter will also be expected to undertake wide ranging public consultation on the Draft Strategic Masterplan prior to submission of the final document to the Council. The scope and timing of public consultation is to be agreed with the Council, in accordance with the EFDC Statement of Community Involvement.</p> <p>EFDC will expect the Strategic Masterplan preparation process to be sufficient to enable the Council to adopt the final document as a Supplementary Planning Document in due course.</p> <p>Following the submission of the final Strategic Masterplan, the Council will seek to consider the document for approval as a material planning consideration as soon as practically possible.</p> |
| Pre-Application Discussions | <ul style="list-style-type: none"> ○ Information and evidence necessary to support pre-application discussions (Appendix 3) ○ EFDC and landowner commitment to available resources including officer time and required set of skills ○ Screening as necessary for Environmental Impact Assessment, Transport Assessment and Health Impact Assessment <p>Further use of the Quality Review Panel may be required.</p> |
| Submission of Outline Planning Application | <p>In accordance with EFDC's Validation Checklist.</p> <p>Parameter plans to be produced and submitted as part of Outline Planning Application, in accordance with the approved Strategic Masterplan (where required). The scope of parameter plans to be agreed in consultation with EFDC.</p> <p>Timetable for determination to be agreed. Appropriate EFDC officer to be appointed.</p> |
| Design Coding | <p>Design codes to be produced by the applicant (where appropriate) in consultation with EFDC. Design codes to be produced in accordance with approved Strategic Masterplan (where required) and approved parameter plans.</p> |
| Submission of Detailed Planning Application | <p>In accordance with EFDCs Validation Checklist</p> <p>Timetable for determination to be agreed. Appropriate EFDC officer to be appointed.</p> |

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| <p>Pre-Commencement Conditions</p> | <p>Where pre-commencement conditions are applied, EFDC and landowners will keep Members, stakeholders and the wider community appraised.</p> <p>Where variation of conditions is required, EFDC and landowners will publicise this and again keep Members, stakeholders and the wider community updated on the reasons for this, and the outcomes of any further negotiations.</p> |
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8 Resources

8.1 EFDC will seek to recover the costs of establishing and implementing this PPA. The requirement for different levels of resources to be sought will depend on the complexity of delivering the site.

| Item for EFDC cost recovery | Description | Charge |
|--|--|---------|
| Planning Performance Agreement | | |
| Establish PPA | EFDC to lead preparation of PPA in partnership with landowner interests | £xxxxxx |
| Strategic Masterplanning Stage | | |
| Community and Member Engagement | In accordance with principles established in Section 5, landowners will engage with local and other stakeholders as appropriate. EFDC will discuss and agree the scope and timing of engagement, and where necessary, assist coordinate / oversee engagement to ensure a cohesive and managed approach. It may be necessary to agree a Communications Plan. | £xxxxxx |
| Strategic Masterplan preparation | EFDC will oversee the preparation of Strategic Masterplans as appropriate. EFDCs role will vary depending on the complexity and number of site(s) to be addressed. | £xxxxxx |
| Engagement of specialist advice, in addition to that provided by any party to this PPA | EFDC will engage and coordinate any specialist input or advice that may be required to progress preparation of Strategic Masterplans. This may be, for example, from statutory stakeholders. | £xxxxxx |
| Establish and utilise Quality Review Panel | EFDC will establish a Quality Review Panel to ensure development proposals are of high quality and suitable to their locality. The Panel will comprise a group of independent experienced professionals from a range of backgrounds, which will scrutinise Strategic Masterplans and proposed development schemes and provide clear feedback and guidance to developers prior to any formal consideration by EFDC's Planning Committees. The Quality Review Panel will have an advisory remit. | £xxxxxx |
| Officer Resource | EFDC will provide appropriate officer contacts to form a Development Management Forum, including support for regular meetings and provision of available evidence | £xxxxxx |
| Governance and administration | EFDC will provide support to engage with the relevant Member Committee processes, ensuring that where Member engagement and decisions are required, that these are achieved within the necessary timeframes. | £xxxxxx |
| Pre-Application | | |

| Item for EFDC cost recovery | Description | Charge |
|---|--|---------|
| Utilise Quality Review Panel (if necessary) | EFDC to enable review of any previous recommendations from Quality Review Panel outputs | £xxxxxx |
| Pre application service | As per established Pre-Application process | £xxxxxx |
| Planning application | | |
| Named EFDC officer | A named officer, holding the necessary skills and experience to determine a major planning application will lead the planning application process | £xxxxxx |
| Determine application within xx timetable | The timetable for determination of a planning application (outline or detailed) will be agreed prior to submission of the application. Resources will be made available within EFDC to determine the application within this timescale. | £xxxxxx |
| Planning obligations negotiations within xx timetable | Establishment of necessary mechanism to secure planning obligations / conditions | £xxxxxx |
| Pre-Commencement conditions | | |
| Named EFDC officer to discharge pre-commencement conditions | A named officer, holding the necessary skills and experience to determine a major planning application will lead discharge of conditions. Timetable to be established for completion of the discharge of each condition following submission by landowner. | £xxxxxx |

9 Confidentiality

9.1 Whilst EFDC will report as appropriate that Planning Performance Agreements have been entered into, the PPAs themselves will remain confidential between the signatories.

Appendix 1 – Site Plan

[add site plan]

Appendix 2 – Project Programme

| Element | Delivery date | Responsible organisation |
|--|---|---|
| Planning Performance Agreement | | |
| Establish Planning Performance Agreement | xx/xx/20xx | EFDC Landowner |
| Masterplanning Stage | | |
| Community / member engagement <ul style="list-style-type: none"> - Community engagement - Exhibition(s) - Publicity materials - Local Publicity - Social media - Presentation to EFDC Members (public/private forum tbc) - Presentation to Town /Parish Councils - Presentation to local stakeholder groups - Presentation/discussion with Quality Review Panel | xx/xx/20xx (likely several dates throughout the iterative process) | Landowner EFDC support |
| Seek/obtain specialist advice as required <ul style="list-style-type: none"> - Identify each element required | xx/xx/20xx | EFDC Landowner |
| Preparation of draft strategic masterplan | xx/xx/20xx (regular meeting dates to be agreed) | Landowner EFDC oversee |
| Utilisation of Quality Review Panel | xx/xx/20xx | Landowner EFDC (coordinate) |
| Consultation on draft Strategic Masterplan | xx/xx/20xx | Landowner EFDC oversee / agree scope |
| Consideration of comments received | xx/xx/20xx | Landowner EFDC |
| Finalisation of Strategic Masterplan | xx/xx/20xx | Landowner |
| Submission to EFDC for formal endorsement | xx/xx/20xx | Landowner (submit) EFDC (Member process) |
| Pre-Application discussions | | |
| Identify information/evidence required to support pre-application discussions, including parameter plans | xx/xx/20xx | EFDC |
| Delivery of information/evidence | xx/xx/20xx | Landowner |
| Submission to EFDC | xx/xx/20xx | Landowner |
| Meetings <ul style="list-style-type: none"> - Officers - Members (Development Management Forum) | xx/xx/20xx | EFDC to coordinate |
| Provision of informal advice | xx/xx/20xx | EFDC |
| Provision of formal advice (if required) | xx/xx/20xx | EFDC |
| Outline Planning Application | | |
| Submission of outline planning application | xx/xx/20xx | Landowner |

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|--|------------|--|
| Validation process | xx/xx/20xx | EFDC |
| Consultation with stakeholders | xx/xx/20xx | EFDC |
| Consideration of responses | xx/xx/20xx | EFDC |
| Presentation to Committee | xx/xx/20xx | EFDC Landowner |
| Determination of Planning Application | xx/xx/20xx | EFDC |
| Design Coding | | |
| Agree scope of design codes to be produced | xx/xx/20xx | EFDC Landowner |
| Preparation of design codes | xx/xx/20xx | Landowner |
| Review and finalisation of design codes | xx/xx/20xx | EFDC Landowner |
| Approval of design codes | xx/xx/20xx | EFDC |
| Detailed Planning Application | | |
| Submission of detailed planning application | xx/xx/20xx | Landowner |
| Validation process | xx/xx/20xx | EFDC |
| Consultation with stakeholders | xx/xx/20xx | EFDC |
| Consideration of responses | xx/xx/20xx | EFDC |
| Presentation to Committee | xx/xx/20xx | EFDC Landowner |
| Determination of Planning Application | xx/xx/20xx | EFDC |
| S.106 negotiations | | |
| Agree Heads of Terms | xx/xx/20xx | EFDC Landowner Stakeholders as necessary |
| Presentation to Committee (alongside relevant Planning Application) | xx/xx/20xx | EFDC Landowner |
| Finalise S.106 contributions | xx/xx/20xx | EFDC Landowner |
| Pre-Commencement Conditions | | |
| Submission of application to discharge conditions -timetable to be established | xx/xx/20xx | Landowner |
| EFDC to review and determine | xx/xx/20xx | EFDC |

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