

Planning Performance Agreement
Planning Application & Discharge of Conditions Stages

2nd November 2022

LAND SOUTH OF DINTING VALE (A57), GLOSSOP

Planning Performance Agreement

National Planning Practice Guidance Context

Excerpt from the National Planning Practice Guidance, paragraph 016 Reference ID: 20-16-20150326 (revised 26 March 2015):

'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. Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and can also help to bring together other parties such as statutory consultees. A planning performance agreement is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed.'

Paragraph 018: Reference ID: 20-018-20150326

'A planning performance agreement can extend to matters beyond the formal application process – such as programming the negotiation of any section 106 agreement and related non-planning consents. For very large or complex schemes the agreement may also provide a basis for any voluntary contributions which the applicant has offered to pay to assist with abnormal costs of processing the application. The parties will want to ensure that such payments do not exceed the cost of the additional work involved, are not seen to have any implications for the decision on the application, and do not deflect resources from processing other cases; any additional resource provided in this way needs to be used for additional capacity that is genuinely required to ensure a timely and effective service'.

1.0 Introduction and Purpose

- 1.1 High Peak Borough Council ('HPBC') is the local planning authority for developments falling within its boundary.
- 1.2. The site is land south of Dinting Vale (A57), Glossop and refers to the area of land shown edged in red on Plan 1 at Schedule 1 ("The Site").
- 1.3 Wain Homes (North West) Ltd ('the Applicant') intends to submit a full planning application to HPBC in respect of the proposed development as set out in Schedule 1.
- 1.4 The application submission will be supported by the application documents set out in Schedule 2.
- 1.5 The objectives of this PPA are as follows:
 - Confirm the Planning application deliverables to be provided in support of the application (Schedule 2);
 - Set out the Project Programme, including meetings (Schedule 5);
 - Set out the Project Team (Schedule 6);
 - Set out agreed timeframes for a response from the Applicant and HPBC (Schedules 3 and 4);
 - To establish appropriate measures for monitoring compliance; and
 - To establish regular review mechanisms.
- 1.6 This agreement is intended as a Memorandum of Understanding, and not a legal agreement, and is being entered into in order to facilitate the pre-application / application process. It relates to the process of considering development proposals and not the decision itself.
- 1.7. Nothing in this agreement shall restrict or inhibit HPBC from properly exercising its role as the local planning authority or the Applicant from exercising their right of appeal under Section 78 of the Town and Country Planning Act 1990.
- 1.8 This PPA is made pursuant to Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000 and Section 93 of the Local Government Act 2003.

2. Performance Standards

- 2.1 The Applicant agrees to use its reasonable endeavours to achieve the performance standards set out in Schedule 3.
- 2.2 HPBC agrees to use its reasonable endeavours to achieve the performance standards set out in Schedule 4.

3.0 Planning Application Programme

- 3.1 The PPA Project Programme (Schedule 5) is devised to provide a realistic timeframe for determining the planning application and includes an indication of the overall timeframe and a programme through which both parties will use their reasonable endeavours to meet.
- 3.2 Meetings shall be carried out in accordance with the Performance Standards set out Schedule 5 and shall, at the reasonable request of the Applicant (and subject to the agreement by the case officer) be attended by the HPBC case officer and relevant consultees.

4.0 Confidentiality

- 4.1 Confidentiality protocols will be agreed and applied to specific issues and/or information as they emerge.

5.0 Charges

- 5.1 The Applicant agrees to pay HPBC the reasonable costs up to a maximum of £30k plus VAT (up to £20k for planning/landscape and urban design input and up to £10k for viability input) on top of the application fee to ensure that the HPBC can allocate sufficient resource to handle the application and meet the programme and overall timeframe requirements set out in Schedule 5.

HPBC agrees to provide all fee proposals from external consultants to the Applicant in a timely manner.

- 5.2 The Applicant agrees to pay HPBC prior to validation of the planning application.
- 5.3 The Applicant agrees to pay HPBC reasonable legal costs incurred in association with the preparation of a s106 Agreement should one be required.

6. Amendment / Review of Agreement

- 6.1 Amendments to the agreement, charges, meeting schedule and revision of timescales (as set out in the Project Programme) shall be subject to review as may be agreed in writing between the parties.

7. Agreement

- 7.1 The above PPA has been agreed between HPBC and the Applicant.
- 7.2 This agreement will be effective for the period up to the determination of the planning application and will remain in force whilst conditions are being discharged. The Term will be subject to review as may be agreed between the Applicant and HPBC.

Signed by for and on behalf of **The Applicant**

in the presence of: EMMA RILEY

Authorised signatory:

Date: 03/11/2022

X 

Signed by: Ben Haywood

for and on behalf of **HPBC**

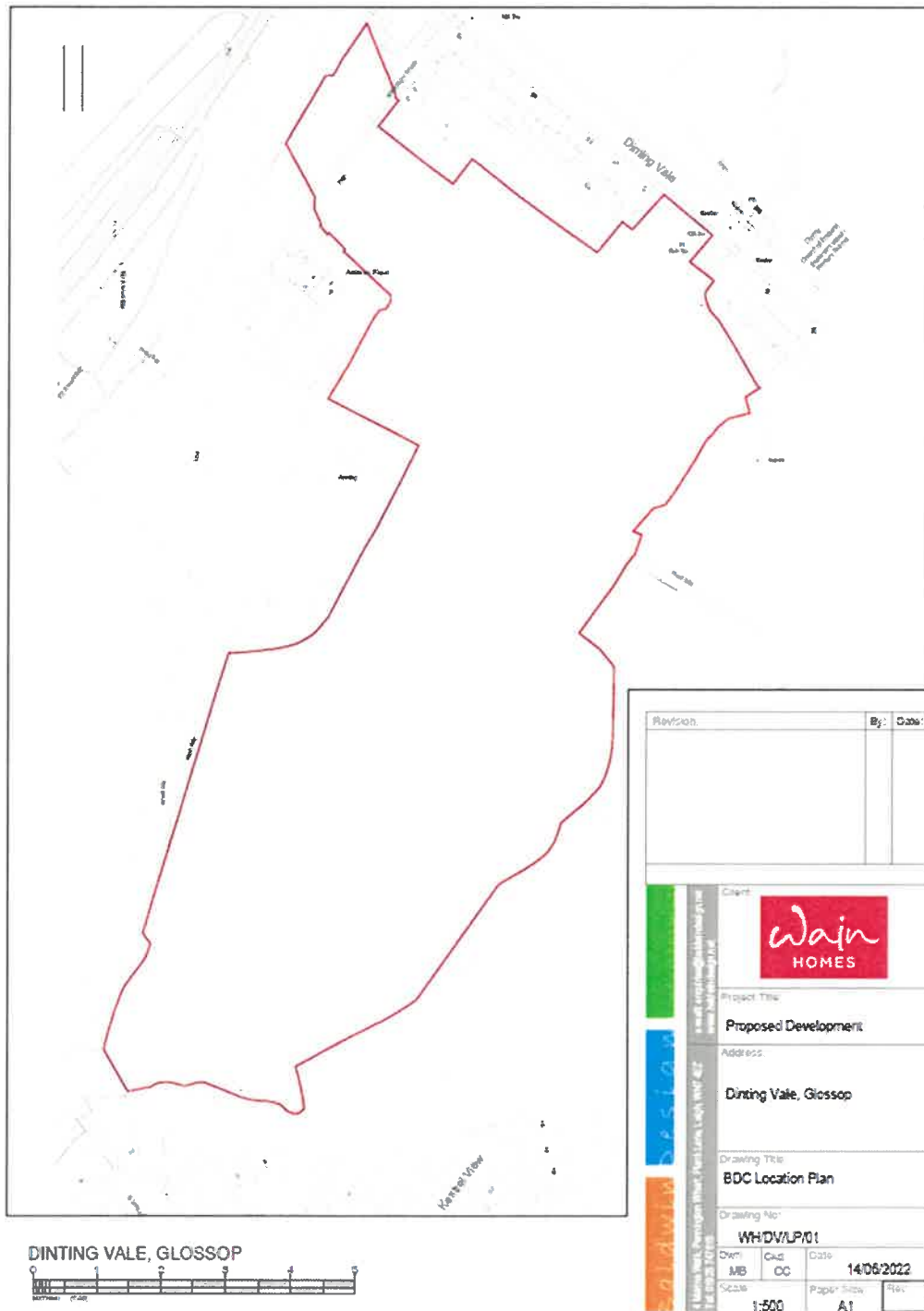
Authorised signatory:

in the presence of: Jane Colley

Date: 3rd November 2022

Schedule 1: The Development

Site Plan



Site Address

Land south of Dinting Vale (A57), Glossop.

Description of the development

'Proposed residential development comprising 100 dwellings including areas of public open space, landscaping and associated works.

Schedule 2: Application Documents & Plans

Documents

The Parties to this Agreement agree that the Planning Application shall be accompanied by the following documents:

Covering Letter.

Annex 1 (this being a list of application documents – the list will be amended as required throughout consideration of the planning application so that an up-to-date list of application documents is available).

Planning Application Forms & Certificates.

Planning Statement.

Design and Access Statement.

Affordable Housing Statement.

Heads of Terms - Section 106 Agreement.

Viability Assessment.

Education Assessment.

Heritage Statement.

Written Scheme of Investigation For Archaeological Works.

Transport Assessment.

Travel Plan.

Air Quality Assessment.

Noise Assessment.

Phase 1 Geo-Technical and Geo-Environmental Desk Study Report.

Coal Mining Report.

Ground Investigation Works.

Flood Risk Assessment.

Drainage Strategy.

Energy & Sustainability Statement.

Tree Survey.

Arboriculture Impact Assessment.

Landscape & Visual Impact Assessment.

Landscape and Ecological Management Plan.

Ecological Assessment.

Plans

Topographical Survey.

Detailed Planting Plans.

NDSS & M4(2) Compliance Schedule.

Location Plan.

Constraints and Opportunities Plan.

Linkages Plan.

Proposed Site Layout.

Colour Site Layout.

Proposed Access Plan.

POS Plan.

Adoptable Highways Plan.

Hardstanding Plan.

Proposed Site Sections.

Boundary Treatment Plan.

Proposed Boundary Treatment Details.

Materials Plan.

Storey Heights Plan.

Waste Management Plan.

Proposed EV Charging Details.

Street Scenes.

House type Floor Plans & Elevations.

Schedule 3: The Applicant's Performance Standards

1. To include a Statement of Community Involvement chapter within the Planning Statement with the Planning Application explaining the pre-submission consultation and feedback received from consultees and, where possible, how relevant issues have been resolved.
2. To submit the planning application with all the application documents to HPBC for the Development (Schedule 2).
3. To provide HPBC with such additional information as may be requested within 5 working days of such written request from HPBC (or such other time period as may be previously agreed) in order to enable HPBC to discharge its responsibilities.
4. To provide to HPBC at least 5 working days prior to any meeting (or such other time period as may be previously agreed) all substantive and relevant documents which are relevant to that meeting, and which relate to any relevant action points or agenda item identified.
5. To provide to HPBC within 5 working days of any meeting the minutes or action points arising from that meeting as well as any material that was not available prior to the meeting.
6. To comply with the Project Programme so far as it places obligations on the applicant.

Schedule 4: HPBC's Performance Standards

In addition to its statutory obligations, HPBC agrees to use its reasonable endeavours to achieve the following performance standards at all times:

1. To designate a qualified and experienced planning officer ("the Case Officer") who alone or as part of a team shall be responsible for overseeing or carrying out the Planning Functions in accordance with this Agreement and shall as necessary for the delivery of the Project Programme in accordance with the Project Timeframe and has the relevant experience of a type and scale required in order to provide Pre-application advice and / or determine the planning application and to ensure that he/she has a clear understanding of HPBC's obligations under this Agreement.
2. To respond substantively to all emails and letters within 5 working days unless previously agreed with the other party and telephone calls within 2 working days of receipt. Where circumstances beyond the reasonable control of HPBC prevent its compliance with this performance standard, HPBC shall in each case notify the Applicant of such circumstances.
3. To ensure relevant officers attend the meetings as necessary and for these officers to review any material submitted ahead of the meeting pursuant to point 2 / 5 of Schedule 3.
4. To provide comments on the minutes of meetings within 5 working days.
5. To provide the Applicant with a response to any submitted additional information arising from a meeting within 10 working days of receipt where comments are required from HPBC Officers.
6. To provide external consultees with relevant documents within 2 working days of receipt from the Applicant and agree a timescale for a response to the Applicant.
7. To ensure that where reasonably requested by the Applicant and provided that notice of at least 10 working days is given that an officer with the appropriate level of authority and relevant experience, is available to attend meetings with external third parties and/or the Applicant to comply with the Project Programme in Schedule 5 so far as it places obligations on HPBC, unless previously agreed with the Applicant.
8. Should the planning application not meet the committee date specified in Schedule 5 (or such other date agreed between the parties) as a direct result of the Council not meeting the performance standards set out in this Schedule then 50% of the PPA fee should be repaid to the Applicant unless otherwise agreed by the Council and the Applicant.

Schedule 5: Planning Application Project Programme

The Parties shall use their reasonable endeavours to ensure that the planning application is progressed in accordance with the Project Programme (unless subsequently varied). The following identifies the planned project programme for the preapplication stage of the project.

The overall timeframe is 16 weeks from submission of the planning application. The milestone dates below provide an indicative programme to achieve this timeframe.

<u>Date</u>	<u>Key Milestone</u>
7th October 2022	Applicant to submit planning application.
1 week after submission	HPBC to validate application.
1 week after validation	HPBC to issue application consultations and publicise application.
1 week after validation	HPBC to contact consultees to arrange pre-response meeting with HPBC and the Applicant to take place ahead of the consultation response deadline.
30 days after validation	Consultation responses and public representations deadline to be received by HPBC
5 weeks after validation	Consultation responses and public representations received by the LPA to be posted online within one week of receipt. Applicant to be informed once received.
5 weeks after validation	Applicant and HPBC meeting to review consultation responses (and representations).
6 weeks after validation	Applicant to commence draft s106 Agreement (if S106 required).
7 weeks after validation	Applicant submission of additional information, if required following the Week 5 meeting.
10 weeks after validation	Further applicant and HPBC application review meeting, if required following the submission of additional information.
12 weeks after validation	HPBC to complete draft Committee Report and to share this with the Applicant. The Applicant will respond with any substantive comments on the report (excluding conditions) within 2 working days.
12 weeks after validation	HPBC to provide fully worded (not abbreviated) conditions proposed to be imposed by the Council. Pre-commencement conditions should be avoided

<u>Date</u>	<u>Key Milestone</u>
	unless there is a clear justification. In accordance with Section 100ZA(5) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 any pre-commencement condition must not be imposed on the grant of permission without the written agreement of the Applicant. The Applicant will respond to the Council within 5 working days on any proposed conditions. The Council will include fully worded conditions in any report to the Council's Development Control Committee.
13 weeks after validation	Full draft s106 Agreement completed, if required.
(circa 14 weeks after validation)	The planning application will be determined at the Development Control Committee meeting on 23 January 2023 unless otherwise agreed in writing by the Applicant.
15 weeks after validation	Applicant and HPBC - s106 Completion, if required. In any event the s106 shall be completed within 10 working days of the Council resolving to grant planning permission.
16 weeks after validation	HPBC issue planning decision. In any event the Council shall issue the planning permission within 2 working days following completion of the s106.
Planning Conditions	If HPBC grants planning permission for the proposed development then any subsequent discharge of conditions applications shall be governed by this PPA and shall be dealt with within 8 weeks from submission or sooner unless agreed in writing by both parties.

Schedule 6

For both parties to work constructively and productively it is vital that key project team members are identified along with direct contact details.

The Applicant's Project Team

Role	Organisation	Contact Details
Applicant	Wain Homes	Claire Campbell Claire.Campbell@wainhomes.co.uk 07713536439 01925 885400
Solicitor	Wain Homes	Nina Chesworth Nina.chesworth@wainhomes.co.uk 01925597218
Planning	Hourigan Planning	Marc Hourigan Marc.hourigan@houriganplanning.com 07825032630 0333 939 8057
Planning	Hourigan Planning	Niall Mellan Niall.mellan@houriganplanning.com 07539332104 03339398057
Planning	Hourigan Planning	Nick Brookman Nick.brookman@houriganplanning.com 07497754529 0333 939 8057
Architecture	Baldwin Design Consultancy	Matthew Baldwin m.baldwin@baldwindesign.net 01925 747615
Noise	Royal HaskoningDHV	Tim Britton tim.britton@uk.rhdhv.com 0207 2222115
Heritage	Archaeological Research Services	Tony Hanna tony.hanna@archaeologicalresearchservices.com 0161 9762544
Ecology	TEP	Peter Bonney PeterBonney@tep.uk.com 01925 844004
Ecology	Tetra Tech	Rachel Kerr rachel.kerr1@tetrattech.com 0161 8748737
Education	Alfredson York Associates Ltd	John Powell john.powell@alfredsonyork.co.uk 01491 525200
Flood Risk	RSK	Colin Whittingham CWhittingham@rsk.co.uk 01942 493255
Civils & Drainage	Betts	Richard Nicholas richardnicholas@betts-associates.co.uk 01244 288178
Heritage	Archaeological Research Services	Lucie McCarthy lucie@archaeologicalresearchservices.com

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Landscape	A/L	Annabelle Langhorn (Landscaping Proposals) annabelle@landscape-planning.co.uk 07920 748520
LVIA	TPM Landscape	Carl Taylor (LVIA) carl@tpmlandscape.co.uk 0161 2350600
Principle Acoustic Consultant	Royal HaskoningDHV	Tim Britton tim.britton@uk.rhdhv.com 0207 2222115
Site Investigations	REFA	Robert Fry ref@refa.co.uk 01942 826020
Managing Director	SCP	David Roberts david.roberts@scpttransport.co.uk 0161 832 4400
Arboricultural Consultant	TEP	Ruth Chittock ruthchittock@tep.uk.com 01925 844004
Trees	TEP	Tom Popplewell TomPopplewell@tep.uk.com 01925 844004
Viability	DEVVIA	Richard Heathcote richard@devvia.co.uk

HPBC's Project Team

Role	Organisation	Contact Details
Head of Development Services	HPBC	Ben Haywood 01538 395400 ext 4924, 07976 753764
Principal Planning Officer	HPBC	Jane Colley jane.colley@highpeak.gov.uk 01298 28400 ext 4981, 07976 753726
Planning Officer	HPBC / White Peak Planning	Steven Gunn Russell, Senior Planning Consultant 0845 034 7323 info@whitepeakplanning.co.uk

HPBC Specialists and Internal and External Consultees

Role	Name and contact details
HPBC Arboricultural Officer	Craig Mc Crindle craig.mccrindle@highpeak.gov.uk
HPBC Environmental Health Officer	Matthew Rhodes – Environmental Health Officer (Pollution Specialist) 07976 753809 matthewr@highpeak.gov.uk Daniel McCrory - Senior Pollution Officer - 01538 395400 Ext: 4413 07736 380776 daniel.mccrory@staffs Moorlands.gov.uk
HPBC Service Development Officer - Leisure and Recreation	Sally Curley - 0345 129 7777 ext. 5688. Sally.Curley@highpeak.gov.uk

Role	Name and contact details
HPBC Solicitor	Nicola de Bruin - 01298 28400 ext. 2065 Nicola.deBruin@highpeak.gov.uk
Heritage consultant	Emily Holland emily.holland@highpeak.gov.uk
Landscape consultant	TBC
Derbyshire County Council (CC) Highways	Glen Donaldson Glen.donaldson@derbyshire.gov.uk
Derbyshire CC Lead Local Flood Authority	Richard Ward – James Browne - Senior Technician, Flood Risk Management Team - 01629 538563, 07812 472970, James.Browne@derbyshire.gov.uk
Derbyshire CC Development Control Archaeologist	Sarah Whiteley - 01629 539774, 07795 290039 sarah.whiteley@derbyshire.gov.uk
Derbyshire Wildlife Trust	Kieron Huston – 01773 881188 khuston@derbyshirewt.co.uk
Natural England	Andy Stubbs, Planning Lead Adviser - 0208 026 1978, 07785 716811 Andrew.Stubbs@naturalengland.org.uk
Environment Agency	Joe Drewry - Planning Specialist - 02030 253277 joe.drewry@environment-agency.gov.uk Paul Goldsmith - Planning Advisor - paul.goldsmith@environment-agency.gov.uk
Historic England	Rose Thompson, Historic Buildings Inspector - rosemary.thompson@HistoricEngland.org.uk 0121 625 6870
Viability Consultant	TBC