Milton Keynes City Council

Pre-application engagement and Planning Performance Agreements

Planning Service Charter

March 2023

Introduction

Pre-application engagement and Planning Performance Agreements (PPAs) encourage pro-active working between applicants, local planning authorities (LPAs) and other interested parties such as statutory consultees, other Council services, elected members and town and parish councils.

It offers significant potential to improve the overall quality of the development proposed and the places and spaces it creates for communities. The National Planning Policy Framework (NPPF) states *"early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties"*. This engagement also assists in highlighting the interplay of planning aspirations with wider legislative and policy frameworks, so that development proposals are designed with other constraints and opportunities in mind.

Entering into a PPA should not be seen as obliging the LPA to look favourably on the resultant planning application. The starting point will always be aimed at delivering development that meets our policies in Plan:MK and embraces the city's strong design ethos. It is expected that an applicant would respond to any advice provided in a positive and pro-active manner. This should help to secure a high-quality development proposal that is then submitted for consideration and could be supported. Where advice has not been provided and taken into account, it could result in a delay to determining an application, as amendments may be needed prompting a request to withdraw the application, or an unfavourable recommendation.

Milton Keynes City Council (MKCC) has effectively implemented PPAs for several years, enabling the successful project management and delivery of significant development schemes, including allocations in Plan:MK and renaissance schemes within Central Milton Keynes, all the way from pre-application to implementation. With the Milton Keynes Strategy for 2050 identifying the City as being one of the fastest growing areas in the country, these agreements will continue to:

- Realise and fulfil timescales;
- Embrace and draw the benefits from stakeholder involvement;
- Add meaningful resource for exploring and developing proposals; and
- Set out an efficient and transparent process for determining large and/or complex planning applications.

The Statement of Community Involvement (SCI) seeks to meet and, where practicably possible, exceed the minimum standards for community involvement already set out in legislation. It goes further to encourage engagement from the earliest stage possible, when there is greater opportunity for the views of affected parties to be accommodated. MKCC is committed to early engagement with applicants so to manage the expectations of, and communication with, all interested parties.

Aims of the Charter

The Charter details how the pre-application service and PPAs will be encouraged and delivered by MKCC, in its capacity as the LPA. Equally, applicants and interested parties are also expected to respect and fulfil its aims, recognising that a collaborative approach delivers timely, positive and pro-active outcomes. It provides clarity over when wider pre-application engagement is recommended, and in what capacity, as well as when a PPA should be considered.

The Charter also discusses probity when it comes to pre-application proposals, so an appropriate balance can be struck having regard to its significance to the local community, the roles of individuals, the transparency of the planning system, and the sensitivity of some developments. The Charter is also best practice and sets out the manner in which the Planning Service aims to operate. It does not, however, impose mandatory expectations on the parties involved in pre-application and PPAs.

Pre-application engagement

1.1 Pre-application engagement provides many benefits through:

- helping prospective applicants to understand relevant planning policies and material planning considerations;
- avoiding wasted time and resources of all parties where proposals would clearly conflict with adopted planning policies;
- allowing all parties, at an early stage, to identify, understand and seek to resolve issues associated with a proposed development;
- allowing all parties, at an early stage, to identify and understand the scope for satisfying other regulatory control (e.g. building regulations or environmental health);
- allowing for early identification of where specialist input is required (e.g. for heritage, arboriculture, urban design, ecology, highways, etc.);
- allowing discussion of possible mitigation of the impacts arising, including any planning conditions and planning obligations;
- helping identify the information required to accompany a formal planning application, reducing the likelihood of delays during that process;
- identifying any dedicated resources required and whether a PPA would be beneficial; and
- helping identify additional information which could negate the need to attach conditions or justify a phased approach to the submission of additional information.

1.2 Early consideration of various matters at the pre-application stage can help minimise later objections being raised to the proposal, reducing the need for subsequent amendments and delay, as well as the potential for refusal and lengthy appeal processes.

1.3 MKCC is obliged to meet statutory targets for deciding applications, so it is for case officers to determine whether and when to invite amendments during the formal assessment of an application. Where pre-application advice has been given for the proposal concerned, officers are more likely to consider the scope for minor amendments, or seek further clarification through additional information, prior to determining an application. Where advice is ignored, or not sought at all, it is unlikely that MKCC will engage in amendments, particularly when these are likely to protract timeframes.

What does the service provide?

1.4 The Planning Practice Guidance, Planning Portal and Council's website provide free access to adopted policies, supplementary guidance and procedural considerations. Collectively, these provide broad direction on the likely acceptability of development proposals.

1.5 Pre-application advice allows for a bespoke and informed initial view on a development proposal before a formal application is submitted. This initial view, whilst informal and non-

binding on MKCC at all decision levels, will advise on the likely acceptability in principle, as well as provide detailed comments relating to the likely impacts and design of a development and advice on what studies or details will be required with a formal submission, based on the Planning Application Validation Requirements (PAVR).

1.6 The written response and meeting, where applicable, will be provided within the timescales set out in **Table 1**. These timescales may need to be extended in individual cases, with the agreement of the applicant.

1.7 The pre-application service will be extended to post-decision consents, as and when resources allow. This will provide the opportunity for bespoke advice from consultees in relation to addressing the requirements of planning conditions. Advice on revised proposals, such as amended plans, will be handled under the normal pre-application process.

Limitations of the service

1.8 The Council does not offer advice on whether a planning application is required. Such enquiries should be answered by way of advice available on the Council's website, the Planning Portal, or by the submission of an application for a Lawful Development Certificate.

Proposal	Manner of response*	Timescale*
▪ 50 or more dwellings ▪ 10,000 sqm or more of non-residential floorspace, including changes of use of this scale ▪ Amendments to a permission within the above limits	Up to two-hour meeting and written response *(entering into a PPA recommended)*	10 weeks
▪ 10 to 49 dwellings ▪ 1,000 to 9,999 sqm of non-residential floorspace, including changes of use of this scale ▪ Amendments to a permission within the above limits ▪ Minerals and waste proposals	Up to one-hour meeting and written response *(entering into a PPA may be recommended)*	10 weeks
▪ Rural worker's dwellings ▪ 2 to 9 dwellings ▪ Up to 999 sqm of non-residential floorspace, including changes of use of this scale ▪ Amendments to a permission within the above limits	Up to one-hour meeting and written response	6 weeks
▪ Listed building consent** ▪ Demolition in a conservation area**	Site meeting with conservation officer only, and written response	6 weeks
▪ 1 dwelling (including replacement dwellings) ▪ Changes of use (where no external works are involved or the scheme is not major development) ▪ Householder development ▪ Advertisement proposals ▪ External works only to a building (not listed buildings)	Written response only	6 weeks

Table 1: meeting and written response expectations

* Unless otherwise agreed or as set out in a PPA.
** This is separate and additional to where advice is required on a planning proposal for the building/site.
The latest fee schedule is available at www.milton-keynes.gov.uk/planning

1.9 Requests for pre-application advice may only relate to a single proposal. This is so the scope of the advice offered can be focussed to that particular development. Multiple submissions will be required for multiple proposals on the same site.

1.10 The validation of a formal application will have regard to relevant, recent pre-application advice given, noting that proposals can be further revised before submission. This assists in efficient validation and publishing of the application. It should, however, be noted that national and local requirements change from time to time, as do the spatial constraints which trigger the need for site specific documentation. Adopted and national planning policy can also change, affecting the relevance of the advice provided.

Involving consultees

1.11 Depending on the nature and scale of the proposal, the service will involve consultees within MKCC. These include Conservation and Archaeology, Highways, Ecology, the Lead Local Flood Authority (LLFA), Urban Design and Landscape Architecture. Their responses will be assimilated into the written advice issued, which will look to balance the competing interests of these parties.

1.12 For larger and more complex schemes, the service includes a meeting co-ordinated by the planning officer but involving selected consultees as appropriate. As a standard, all meetings will be held virtually. The length of the meeting will vary and is set out in **Table 1**. Key matters arising from the meeting will be incorporated into the written advice subsequently issued.

1.13 Statutory consultees outside of MKCC, such as the Environment Agency, National Highways and Historic England, will not be involved. These consultees have their own pre-application arrangements or standing advice, and it is the responsibility of the applicant to consult with them at the pre-application stage. If this is not undertaken, it creates a risk that new issues will get raised during consultation on the formal planning application. However, where a proposal would require a s106 agreement, all relevant consultees would be engaged. This includes some organisations, for example town and parish councils, outside of MKCC.

1.14 Officers will not enter into negotiation on specific matters raised by consultees as part of a single pre-application enquiry. The onus will be on the developer to resolve any early objections prior to submission of the formal planning application or take up further pre-application advice, as part of a PPA where appropriate. Where the matter cannot be fully addressed, it will be for the developer to justify any conflict with planning policy and/or set out what mitigation is considered appropriate.

1.15 It should be noted that sustained objection from a consultee heightens the risk of refusal, although the Council and its consultees will seek to resolve matters by way of conditions or planning obligations where practicable. Developers should consider seeking further, focussed pre-application advice in an attempt to resolve an objection before moving to the formal application stage. If the developer does not seek to address an objection raised at pre-application stage, the Council will look to determine the application without delay.

Involving elected members

1.16 Guidance recognises that councillors have an important role to play in pre-application discussions, bringing local knowledge and expertise in dealing with understanding community views. This involvement helps councillors lead on community issues and help identify likely concerns early on. However, the guidance notes that discussions could be perceived by objectors as part of a lobbying process on behalf of the applicant.

1.17 The guidance also sets out further recommended ways to involve elected members in the pre-application process. These include:

- discussions and/or meetings to enable issues and items of interest to be identified and to seek further information;
- developer presentations to committees; and
- briefings by officers on pre-application discussions.

1.18 These methods can ensure that there is a degree of transparency between developers and elected members at MKCC. It helps to steer discussion towards constructive dialogue on the matters which are of importance to their constituents, as well as ensure that councillors are supported by Council officers.

1.19 However, the use of a regulatory committee can falsely attribute a significance to the resolution reached by the committee. This may wrongly raise expectations ahead of the formal application and, subject to any comments made by a member of the committee at the pre-application stage, creates the risk of predetermination. In addition, the committee is an apolitical forum which may prove challenging when elected members:

- have to later declare an interest and step down from the committee;
- have additional duties in a town or parish council capacity;
- have been approached by the applicant; or
- have already publicly expressed an opinion on the proposal.

1.20 Furthermore, not all pre-application enquiries command the input of elected members, creating differing approaches to different scales and nature of development. Therefore, the use of Planning Committee will be reserved solely for the most significant developments affecting the whole Borough, have substantial cross-boundary effects, or are already in the public domain due to their nationally significant nature or regional importance. Such proposals would be subject to a PPA and only scheduled for consideration after initial pre-application advice and meetings, with the agreement of the applicant, and alongside the separate involvement of other parties and affected ward members.

1.21 To summarise, elected members will generally be included in the following circumstances:

- by the applicant, where legislation requires involvement of interested parties prior to submission of a formal application (e.g. on certain proposals for wind turbines or nationally significant infrastructure projects);
- by the applicant, where they have been advised as part of written pre-application advice to engage with the local community prior to submission of the formal application, and where that engagement has commenced; and

- by officers, where agreed under a PPA.

1.22 MKCC will usually expect applicants to involve elected members on proposals meeting or exceeding the thresholds set out in **Table 2**. Officers will exercise discretion in encouraging involvement on developments which fall below these thresholds, noting that the history of the site or local circumstances may command greater involvement.

1.23 Where elected members are involved in MKCC pre-application meetings, minutes will be kept so to maintain probity in the eventual planning decision. These minutes will be supplemental, but subservient, to the written response provided as part of that pre-application advice. Elected members should not need to be involved in meetings between technical experts, such as highway officers and consultants.

1.24 Applicants may approach elected members directly on pre-application matters, outside of this protocol. MKCC will not provide an officer to attend such meetings so it is for the relevant elected member to consider for themselves whether it is appropriate to engage in discussions and/or attend meetings. For members of the Planning Committee, it will be important that they maintain an open mind and are fully aware of guidance related to predisposition and predetermination. Subject to following such guidance, it remains possible for elected members sitting on a Planning Committee or Panel, or holding a portfolio for the Planning Service, to engage in pre-application discussions.

Scale	Allocated sites around Milton Keynes and sites within the urban area or settlement boundaries	Allocated sites around villages and non-allocated sites around Milton Keynes and villages
	Who to engage	
500 or more dwellings, or 10,000 sqm or more of non-residential floorspace	Residents and businesses, amenity societies, town/parish council(s) and ward councillors	Residents and businesses, amenity societies, town/parish council(s) and ward councillors
100 to 499 dwellings, or 5,000 to 9,999 sqm of non-residential floorspace	Amenity societies, town/parish council(s) and ward councillors	Residents and businesses, amenity societies, town/parish council(s) and ward councillors
10 to 99 dwellings, or 1,000 to 4,999 sqm of non-residential floorspace	N/A	Amenity societies, town/parish council(s) and ward councillors

Table 2: thresholds for engaging interested parties

Involving town and parish councils

1.25 Town and parish councils will often provide local services and facilities which can be impacted upon by development proposals. Consultation at the pre-application stage is designed solely to seek their view on the services and facilities which might be likely affected by the development, and to offer the opportunity for methods for mitigation to be suggested. These may be the provision of facilities within the development or financial contributions, to be secured as planning obligations. This approach would be reserved for very largest and most significant schemes, and follow the thresholds set out in **Table 2**.

1.26 The purpose of such consultation is solely so the applicant has a full picture of what matters may need to be addressed in the subsequent formal application, as well as indicate where they may need to liaise and negotiate with the town or parish council directly, ahead of making the application.

1.27 MKCC expects town and parish councils to follow existing non-disclosure arrangements so that the associated development proposal, and correspondence and negotiation surrounding it, remains a confidential matter until either the applicant choses to engage in a public forum or the formal application is made.

1.28 Officers will not facilitate negotiation as part of the pre-application process unless this has been agreed through a PPA. Any negotiation should only relate to those obligations requested by the relevant town or parish council so not to disadvantage other parties making similar requests.

1.29 It must also be recognised that viability may become a factor for the applicant to consider, and it is for MKCC to determine what constitutes a legally compliant request. Thus, it is not appropriate to make such a judgement until the formal application stage. Town and parish councils will have the opportunity to make further comment on planning obligations and viability (where relevant), along with other planning matters, at that stage.

1.30 There are likely to be significant benefits in undertaking early engagement with the local community, including with the relevant town and parish council(s), and developers are encouraged to engage directly with them at an early stage, and to reflect on comments received. Whilst this would not form part of any pre-application advice given by MKCC, it reflects good practice and helps to reflect on issues of local concern before an application is submitted.

Who else can be involved at the pre-application stage?

1.31 Whilst recognising it is not a statutory requirement, pre-application engagement is a collaborative process between a prospective applicant and other relevant parties. The parties involved will vary on a case-by-case basis, and the level of engagement needs to be proportionate to the nature and scale of a proposed development, as well as the stage to which it has been developed. Each party involved has an important role to play in ensuring the efficiency and effectiveness of pre-application engagement, which respects each other's interests and the overall process. This is important to maintaining the value of pre-application discussions.

1.32 MKCC suggests that applicants for larger and significant developments engage with amenity societies, residents and businesses prior to submitting a formal application. The thresholds for this are set out in **Table 2**. The manner of engagement needs to be proportionate and inclusive, as well as meaningful, noting that a development in, or adjacent to, a village is likely to raise differing considerations to one within the city boundaries.

1.33 For significant allocations and larger major developments, the developer will be expected to enter into a PPA so meaningful engagement with a wider sector of the community can be properly co-ordinated. This should extend to local amenity groups along with affected residents and business owners.

1.34 Where engagement with additional parties has taken place, a Community Engagement Statement should accompany the subsequent application setting out the initial proposals, the methods of engagement used, the responses received and how the development addresses these responses, where practicable.

Officer meetings

1.35 Where the nature and scale of the proposal commands, an applicant may wish to obtain further informal advice on specific matters, such as drainage or highway design. In these circumstances, focussed meetings with relevant consultees can be helpful in minimising the need for conditions and associated costs and delay, or risk of a refusal on technical grounds.

1.36 Requests for officer meetings involving selected consultees will only be considered following written pre-application advice. Individual meetings shall not exceed more than one hour and involve no more than two consultees (two matters). The meeting will also be attended by a planning officer and it will be for the applicant to take notes for subsequent circulation and agreement by those involved.

1.37 All meetings must be arranged by the Planning Service and consultees will not respond to direct correspondence on pre-application matters. This service may be suspended at any time and will be subject to resources available across relevant MKCC teams.

1.38 All officer meetings are subject to the Council's adopted charging schedule, presently charged at the same rate as a request relating to planning conditions (e.g. two consultees attracts two times the fee). As standard, all meetings will be held virtually within 6 weeks of payment of the relevant fee, unless mitigating circumstances prevent the relevant consultee from attending.

1.39 At the discretion of the Head of Planning, 'inception' meetings may occasionally be agreed. These are developer-led presentations of initial concepts or ideas for a significant or public infrastructure development and may be attended by senior officers. Such meetings are generally only appropriate for very large or unique proposals, or developments proposed in a particularly sensitive location. It would not form part of the pre-application service and bespoke advice on the proposals will not be given. A formal record of such meetings will not be kept, with the developer thereafter expected to enter the normal pre-application (and PPA) service as directed by officers.

Minimum requirements for pre-application advice

1.40 Pre-application advice is offered only in respect of the proposal presented. Officers will provide advice on the information before them and will not attempt to interpret unclear and ambiguous proposals. It is therefore for the applicant to provide sufficient information which they consider will be essential for the officer to reach a professional judgement.

1.41 MKCC has a set of minimum requirements for advice. These are set out in the PAVR available on the website. Other information which helps to explain the development, such as a draft Design and Access Statement, photographs, street scenes and relevant site history are

encouraged. Equally, any early technical studies, such as a structural or building survey in the case of heritage or conversion proposals, can be useful as these can be shared with the relevant consultee(s).

1.42 It is strongly encouraged that the minimum requirements are exceeded. The more information that is provided at the pre-application stage assists in providing clearer advice to inform the formal planning application. Where a pre-application proceeds as part of a PPA, the PPA may require this additional information.

1.43 All pre-application enquiries are subject to the Council's adopted charging schedule.

Publishing pre-application enquiries

1.44 The sensitivity of development proposals must be understood. Often, pre-application advice is taken for an 'in principle' view of whether to invest in land or property, or in developing concepts further. At this stage, the value of land or property, or commercial interests, could be affected if pre-application proposals are published.

1.45 As a rule, MKCC will not publish pre-application advice so to not discourage the take up of the service. Such an approach also minimises the potential for impacting individual or commercial interests. However, pre-application advice may not be exempt from disclosure under information requests[1]. It is for the applicant to set out why their enquiry should be treated as exempt from such a request, and the release of information will be at the discretion of MKCC, balancing legislative requirements against furthering trust with the prospective applicant and the public interest test.

1.46 Once an application is submitted, MKCC will endeavour to publish the pre-application advice given. This will usually be published against the formal application record or, when systems allow, under the original pre-application reference.

Transitional provisions

1.47 The grouping of proposal types in **Table 1** and the revised timescales outlined in **Table 2** will be applied to new pre-application enquiries received from 1st April 2023.

Planning performance agreements

2.1 A PPA is a project management tool which can be used to agree a work programme and resources for handling larger and more complex development proposals. This:

- sets out a framework of expected roles and responsibilities;
- ensures identification of key issues at an early stage;
- provides realistic and predictable targets, greater accountability and transparency;
- improves partnership working and engagement; and
- provides comprehensive feedback to the applicant.

[1] The Freedom of Information Act 2000 and the Environment Information Regulations 2004.

2.2 It can also set out minimum expectations for when proposals require amendment during the formal application, so that interested parties remain engaged and statutory targets can be met. A PPA is not designed to influence the economics of a particular development, nor command a higher quality of design. However, the pre-application stages under a PPA will be used to further these, and other, agendas where it would result in an improvement to the quality of the development proposal.

2.3 A PPA should cover the pre-application and application stages, but it may also extend through to the post-permission stage. Each PPA will be unique and tailored to fit the nature and scale of the development, as well as the location of the site and known constraints. The number of parties to be involved and whether the process is to be staged over a long period will also determine the content of a PPA.

2.4 Fees arising from PPAs can only be used to service the PPA and must be cost neutral. Such income will be used to backfill officer time, secure additional consultancy support, and cover the project management costs, as well as the resources from other Council services. Collectively, this ensures the roadmap towards submission of the application, as well as its determination, is realistic and remains in focus. Project management also allows for early identification of unforeseen circumstances and renegotiation of the terms of a PPA.

When to use PPAs

2.5 PPAs are most effective where they are used alongside more complex pre-application enquiries. If it is likely that multiple pre-application enquiries or meetings will be required to properly shape the proposed development, then a PPA is recommended. In addition, the level of Councillor and public engagement required can also determine the necessity for a PPA.

2.6 MKCC generally operates three types of PPA:

- Simple: single applicant agreement covering pre-application and application stages, and the extent and frequency of consultee engagement at both stages;
- Comprehensive: single or multi developer agreement covering pre-application and application stages, and several stages of engagement with consultees, elected members and the wider community; and
- Post-decision: designed to facilitate the production of details to accompany a development, whilst align with other consent processes in a prompt fashion.

2.7 The type of PPA which is appropriate will depend on the specifics of the proposal and it will be for officers to determine the best option. Post-permission PPAs are discussed separately below.

2.8 PPAs offer scope to minimise the need for conditions through provision of additional detail before a decision is made. They can also prompt consultees to consider their own legislative constraints and consent processes, to limit duplication of controls and flag if proposals fundamentally conflict with other legislation. To this extent, it should be considered whether it is beneficial to involve, for instance, a building control officer in a PPA.

2.9 Where a planning application for major and/or complex development is submitted without the benefit of a PPA, it will be handled as a routine application within the existing workload of the team, without dedicated resource. It will be at the discretion of officers whether to seek or accept amendments or extend the determination period, and particular regard should be had to paragraphs 1.14 and 1.15 of this guidance.

2.10 Entering into a PPA does not guarantee approval of the formal application, as is the case with pre-application advice, as set out at paragraph 1.5. If the planning proposal is contrary to adopted planning policies and/or national guidance, there is still a likelihood that it could be recommended for refusal.

Expectations of parties involved

2.11 Applicants are expected to appoint appropriate professional consultants with sufficient experience to reflect the complexity of the project concerned and work cooperatively with MKCC in sharing information. They are also expected to use reasonable endeavours to meet the agreed work programme. All applicants will be expected to adhere to this Charter when entering into a PPA and ensure payment of relevant fees at the agreed milestones.

2.12 MKCC will commit to project management and officer resource to ensure the work programme is monitored and agreed responsibilities are met. MKCC will also, in entering into a PPA, ensure the roles and responsibilities of the wider project team are clearly set out. The project manager will ensure that input from consultees across MKCC also meet their obligations in facilitating the resolution of objections wherever possible or achieve the most suitable mitigation for the development. To recognise that consultees are positioned in other MKCC functions, the applicant must not directly engage with them unless instructed to by the planning officer or project manager.

2.13 Correspondence will be held against the relevant pre-application case reference (noting that separate references may be issued for multi-stage pre-application discussions) or the formal application record. The same provisions as set out at paragraphs 1.44 to 1.46 will apply.

2.14 The project manager will also ensure sufficient officer support to enable the planning merits of the development to be balanced against the competing interests of consultees and, where relevant to the type of PPA, elected members, town and parish councils, residents and businesses. The same process as set out under the pre-application section above will apply.

2.15 Depending on the scale of the development concerned, various forms of communication may be used to garner a broad cross-section of opinion, and the applicant may therefore be expected to conduct public exhibitions and attend town/parish council meetings. Officers will also identify or coordinate the need for a design review where necessary.

Post-decision PPAs

2.16 It should be recognised that the implementation of a development often requires prior approval of details reserved by condition or draws out other legislative or unforeseen circumstances which require non-material amendment of plans. These processes carry statutory timeframes and can bring about further consultation and engagement, whilst the

onus is always on the developer to ensure the terms of the permission are fulfilled. Proposals to vary or remove conditions on a permission[2] will be handled as if they were a fresh development proposal.

2.17 The construction sector accumulates considerable cost and risk from the point of submitting the formal application, with the land transaction having taken place or secured in principle. Delays in the approval of details required by conditions, or by planning obligations, increases the delay in implementing the development and subsequently adds to these costs.

2.18 PPAs can provide substantial benefit in ensuring a speedy discharge of pre-commencement, construction or occupation conditions and obligations. Continuing to work as a project team beyond the point of a decision allows the developer to obtain focussed advice from consultees in how to best satisfy conditions and obligations and understand where additional specialisms may need to be employed.

2.19 Furthermore, post-decision PPAs can facilitate extra resource for MKCC to determine applications to discharge conditions and obligations, or even establish local liaison groups, so they are truly recognised as an important part of the planning delivery process. This helps to minimise development costs or potential for delays resulting from amendments. It can also extend to pro-active monitoring of conditions as construction of the development progresses. This could help highlight, at an early stage, the need for corrective works, or an amended scheme, before it is identified by, or reported to, enforcement officers.

2.20 Developers should recognise the benefit of this pro-active monitoring, given occupation of premises will often occur well before the wider development is complete. It is recognised that reputational damage can be caused when breaches of planning control are later identified and need to be remedied. This approach also helps ensure that construction phase impacts are appropriately controlled and do not to cause unacceptable harm to adjoining and new residents and businesses, as well as manage expectations from the wider community during the construction process.

2.21 Post-decision PPAs should ideally be agreed during the formal application, and prior to a decision being made. They should accurately reflect the likely level of resource and deadlines associated with handling post-decision matters. Where a comprehensive PPA is agreed, MKCC will expect the entering into of a post-decision PPA.

The process for developing a PPA

2.22 To enter into a PPA, MKCC requires key information so the proposed agreement is SMART[3].

- details of the development proposal, including number of units and/or floorspace involved;
- the intended manner of application (e.g. full, outline or hybrid);
- the site concerned, presented as a site location plan;
- land promotion and/or ownership arrangements to outline the relevant parties to be involved;

[2] Under section 73 of the 1990 Act

[3] Specific, Measurable, Achievable, Relevant and Time-bound

- details of any previous pre-application discussions;
- a suggestion of the number of pre-application meetings and written responses required;
- any consultees which are considered necessary to be on the project team; and
- proposed timescales for submission and determination.

This information should be provided using the form online at www.milton-keynes.gov.uk/planning, where available. MKCC will use this information to create a draft PPA and calculate the relevant fee.

2.23 As part of the process, MKCC may identify and discuss the option of appointing a planning consultant and other consultants from a framework in order to service the PPA. It will be for MKCC to secure this resource, having regard to any conflicts of interest, timescales involved (including time necessary to develop the proposals to a point where the first stage of pre-application advice can be initiated) and relevant expertise. This will also include provision for regular case reviews, which would involve the relevant Team Leader and/or Manager within the Planning Service, to ensure the advice provided and progress with the PPA is clear and consistent.

2.24 MKCC reserves the right to decline to enter into a PPA, having regard to the site history and similar proposals for development and based on the information supplied.

Fees for PPAs

2.25 The cost of a PPA is dependent on the scale and nature of the development, the resources required and input from officers for the project. It will be on a cost-recovery basis, reflecting hourly rates for officers, including overheads, project management and administrative support, necessary meetings and the scale and significance of the development proposed, alongside any additional engagement with elected members and other interested parties.

2.26 The fee covers MKCC's cost of providing the service. This extends to recharges for consultees who sit elsewhere across the Council, as well as resources required in hosting meetings, etc. It will also cover the use of external consultants to both inform MKCC on particular matters and to deliver on the milestones in the PPA.

2.27 Most importantly, the fee includes the cost of a project manager and any additional staff (e.g. an additional officer to support the lead planning officer on discrete elements of the proposals and/or general administrative tasks during the course of the application).

2.28 The fee does not include VAT, which will be applied at the appropriate level at the time of invoicing. Any fee is non-returnable, but staggered payments throughout the life of the PPA will ensure the fee paid at any stage of the PPA reflects the level of work undertaken and abortive work or preparations for future stages.

Standard expectations for a PPA

2.29 When a PPA is entered into it is recognised that the scale and nature of the development will give rise to complex planning issues. Therefore, the pre-application advice and formal application stages will require significant input from the planning officer(s), consultees and

other interested parties where involved. MKCC will ultimately use reasonable endeavours so all stages of a PPA are progressed in a timely manner, adopting a 'team' approach to ensuring resilience and continuity of service and having regard to the agreed timetable and compliance with relevant statutory procedures. Equally, consultees and interested parties will be expected to adhere to deadlines set.

2.30 The applicant will be expected to use their reasonable endeavours to meet the agreed timetable, but promptly enter into discussions where it is established that the PPA may need to be amended. This may be necessary to address unforeseen circumstances or to provide additional time to resolve objections. Where substantive change to a PPA is required to accommodate a new 'roadmap', then the applicant will be expected to enter into an amendment to the PPA (and provide any additional fee as required). The applicant will also be expected to present information with a clear index so that the latest version of a document can be easily located by interested parties.

2.31 The parties entering into a PPA agreement will act with fairness and in good faith in respect of all matters related to the handling of the planning (and related) application(s) and will work jointly in complying with their respective obligations under the PPA.

2.32 No PPA will fetter MKCC in exercising its statutory duties as the LPA. It will not prejudice the outcome of planning (and related) application(s) or the impartiality of the Council.

2.33 No PPA will restrict or inhibit the applicant(s) named in the agreement from exercising a right of appeal under Section 78 of the Town and Country Planning Act 1990.

Availability of information related to a PPA

2.34 All PPAs are made pursuant to Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000, Section 93 of the Local Government Act 2003 and Part 1 of Chapter 1 of the Localism Act 2011. They are thus information which may be disclosed as part of a request under FOI legislation. The same approach as set out at paragraphs 1.44 to 1.651.45 will apply to the PPA itself. It will be for the applicant to demonstrate why a PPA and associated documentation should remain exempt from any disclosure under FOI.

Planning Service

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