

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	06 NOVEMBER 2025	CATEGORY: DELEGATED
REPORT FROM:	EXECUTIVE DIRECTOR - PLACE AND PROSPERITY	OPEN
MEMBERS' CONTACT POINT:	STEFFAN SAUNDERS (HEAD OF PLANNING) steffan.saunders@southderbyshire.gov.uk	DOC:
SUBJECT:	INTRODUCTION OF PLANNING PERFORMANCE AGREEMENTS	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 That Committee recommends to Finance and Management Committee to adopt the Planning Performance Agreements (PPAs) Scheme and the associated fee structure at Appendix 1. The fees to be increased annually by CPI.
- 1.2 That the Committee grants authority to the Head of Planning to produce, finalise and refine supporting guidance, required documentation for submissions, service level agreements and application forms to deliver the Planning Performance Agreement scheme.

2.0 Purpose of the Report

- 2.1 To review progress on implementing a Pre-application Charging schedule and seek the Committee's approval for the introduction of charging for PPAs.

3.0 Detail

- 3.1 A PPA provides a project management framework between the Council and a Developer to engage on development proposals through the planning process. It is a voluntary agreement with the purpose of delivering high-quality, sustainable development that is based on a clear vision, objectives, an agreed programme and identified resourcing from both parties with the aim of fostering a constructive, collaborative relationship to achieve this purpose.
- 3.2 PPAs provide a structured way for giving advice to a developer before applications are made and to be most effective should be considered and introduced at the early stages of seeking advice from the Council. The aim is to encourage a more efficient, joined up way of working.
- 3.3 They do not guarantee planning permission, nor do they restrict the Council acting in its full capacity as Local Planning Authority. The Council would enter into a PPA on the basis that it would not prejudice its formal consideration of any application, and

nothing the PPA predetermines the final outcome of any application, or obligations, nor does it commit the Council in relation to any formal comments of decisions.

- 3.4 PPAs are permitted 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. Section 93 of the Local Government Act 2003 allows local planning authorities to charge for providing discretionary services.
- 3.5 Paragraph 47 of the National Planning Policy Framework (NPPF) advises that ‘applicants and the Local Planning Authority should consider the potential for a voluntary planning performance agreement, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine’.
- 3.6 PPAs are generally suitable for the following types of applications but can be used for all applications if so desired by applicants:
- Large-scale and/or complex major applications, such as those identified as of strategic importance in the Development Plan.
 - Large-scale and/or complex major applications that require an Environmental Impact Assessment.
 - Large-scale and/or complex major applications requiring a Development Framework as part of an outline planning application and/or Supplementary Planning Document.
 - Other major applications which are particularly complex in nature and require extensive advice.
 - Applications for a programme of ongoing works where particular complexities arise such as approving details required by conditions on major applications or multiple applications across an area or estate.
- 3.7 There are numerous benefits of engaging in PPAs for both the developers and the Council including:
- The applicant and Council have an agreed programme of works, set of deliverables and timescale for reaching a decision on the application.
 - If the application is not to be determined by delegated authority, the PPA programme will target a specific Planning Committee date.
 - The Council is able to identify resources required to engage and respond to the application in a collaborative and timely manner. The PPA enables the Council to secure both in-house resources and external consultants to review the application on behalf of the Council as required within the PPA programme.
 - The Council officers can share their expertise through the application process. In this manner the applicant can discuss and address aspects and matters as they arise and make the necessary changes to the application prior to submission.
 - The Council will instruct a named Planning Case Officer who will form the single point of contact between the Council and the applicant, who can discuss the application at any point during the process as required by the applicant.
 - It should also contribute to higher quality development
- 3.8 PPAs are considered to be very important for both LPAs and applicants/developers, in order to help secure developments that improve the economic, social and environmental conditions of an area, as well as saving time through adding clarity and reducing uncertainty which can be a financial saving for both parties.

3.9 The cost of a PPA should be dependant, on the scale of the application, the resources required and input from officers for the project. It should be based on the hourly rate of the officers involved and include any overheads.

3.10 South Derbyshire has consistently been one of highest growth areas of the country with this to continue with two strategic residential allocations on the edge of Derby for 4,500 homes. The processing of these applications and other applications when submitted will be a significant amount of work involving a development team approach. The maximum pre-application fee is circa £25,000 and it is considered to be a proportionate and reasonable approach to increase this fee for Planning Performance Agreement with a maximum fee for the largest schemes of £100,000.

3.11 The Pre-application Charging Scheme as at September 2025 was on budget and forecasted to achieve its annual target of £50,000. This is in the context of officers being diverted on Local Plan matters for a significant part of the preceding 8 months. In setting a budget for the 2026-27 financial year a prudent income target of £150,000 combined PPA and Pre-app charging will be set.

4.0 Financial Implications

4.1 The Planning Performance Charging Schedule in Appendix A details the breakdown of fees according to the size of Development.

4.2 Based on current performance of Pre-application charges, the income generation should remain at £50,000 per annum.

4.3 The income generation from Planning Performance Charges based on current performance and the anticipated growth of the area, it is considered prudent to budget at £100,000 per annum, therefore a combined income generation of £150,000 is to be achieved.

4.4 Performance against budget will be reported as part of the Quarterly Revenue Monitoring Report presented at the Finance and Management Committee.

5.0 Corporate Implications

Employment Implications

5.1 None directly arising from the report.

Legal Implications

5.2 The Council is able to charge for this service under various Statutes.

Council Plan Implications

5.2 None directly arising from the report.

Risk Impact

5.3 None directly arising from this report.

6.0 Community Impact

Consultation

6.1 None directly arising from this report

Equality and Diversity Impact

6.2 None directly arising from this report.

Social Value Impact

6.3 None directly arising from this report.

Environmental Sustainability

6.4 None directly arising from this report.

7.0 Conclusions

7.2 The fees set out for PPA charging in the table at Appendix 1 will allow the planning service to be sufficiently resourced to provide a responsive, proactive service that endeavours to deliver high-quality sustainable developments and customer service that the council can demonstrate excellence in.

8.0 Background Papers

None