

The Bristol Planning Protocol

working together on major
planning applications

2011

contents

Working Together on Major Planning Applications	2
The Major Applications Protocol	3
Planning Performance Agreement (PPA) Framework	4

This protocol has been produced jointly between GWE Business West, Bristol Property Agents Association and Bristol City Council.

It has been produced because an efficient planning system is central to securing the development that is necessary to protect and promote the sustainability and prosperity of Bristol and the region. This vision for our area will be best achieved by working collaboratively with people who want to invest in our city and with communities affected by development.

The protocol sets out the way we want to engage with business to manage major planning proposals in Bristol on order to provide high levels of clarity and certainty in the planning process.

Signatories



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If you would like this information in a different format, for example Braille, audiotape, large print or computer disc, or community languages, please contact Planning Services on (0117) 922 3762.

Working Together on Major Planning Applications

Our Approach

Bristol City Council Development Services has produced this Protocol in collaboration with BusinessWest, Bristol Property Agents Association and the Neighbourhood Planning Network (NPN) to improve the Development Management Service. This Protocol provides an overview of the programme and commitments being made during the planning process as set out on pages 6 and 7. It complements other services and advice provided by the council including Invest in Bristol¹ and other planning guidance set out in the following pages.

Quality decision making is a three way process, involving a partnership between the council, the local community and the business/development industry. All parties need to recognise and acknowledge the others' responsibilities. The Protocol carries the principle of working together in good faith and mutual trust to achieve sustainable and viable development in the interests of the growth and prosperity of the city as a whole.

Through transparency, certainty and consistency the council wants to ensure that valued investors can navigate the planning process on a cost effective and lower risk basis whilst achieving high quality sustainable development and exemplar outcomes with community and economic benefits.

Scope of the Protocol

The Protocol is applicable to major development: schemes above 10 residential units or above 1000 sq m of commercial development. For very significant schemes with more than 100 residential units or 10,000 sq m of commercial development the protocol identifies some additional commitments and expectations and these are referred to as "Super Major" schemes.

Keeping on Target

The council will be aiming to determine the majority of major schemes within 13 weeks, so the scope for negotiation, once the application is made and registered, is limited.

To succeed, all parties must play a part. If the advice in this guide is followed, it will help the council to deliver the service described and to make decisions in a timely manner

"Super Major" applications are often more complex schemes. It is unlikely that these will be determined within the government set target of 13 weeks and they are likely to be decided by a Development Control Committee. Developers will be encouraged to enter into a **Planning Performance Agreement (PPA)** as more fully described towards the end of this protocol. A PPA is a project-specific application of the principles of this Protocol and is a project management tool to assist in the effective and inclusive processing of these more significant applications.

Pre-Application Engagement and Community Involvement

An important ingredient of the modern planning system is involvement with the local community. In order for all parties to gain maximum benefit from the Protocol, it is essential that there is meaningful engagement between developers, the council, and relevant stakeholders. An initially focus, possibly within a PPA, will be to "front-load" the involvement of local communities, probably through the NPN and Neighbourhood Partnerships.

Unacceptable Proposals

It is important to note that the Protocol or a PPA is not a passport to get permission for inappropriate planning proposals. Planning legislation requires that decisions on planning applications must be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The council recognises that a broad range of matters, including development viability and market factors, can be material planning considerations.

Where a major application has been validated, but needs significant alteration to make it acceptable, possibly where pre-application advice has not been followed, the application will be considered as submitted. Fresh drawings or modifications that significantly alter the nature or description of the proposal, will not normally be accepted after validation, especially if the changes require further consultation with statutory agencies or stakeholders. If such a change is unavoidable, a fresh application will be necessary. Applicants will, however, have the chance to withdraw the application and submit a new application for a revised scheme.

Monitoring

It will be important to continue to monitor the effectiveness of the Protocol. This is the first review of the original 2007 Protocol and it is agreed this review should take place every two years or so involving the signatories. In addition, user feedback will be assessed from such as the council's customer satisfaction survey, the NPN and the Planning User Group.



¹ Bristol's Reception Service for Major Investors set up to ensure successful investment by providing access to services including property search, council services and access to staff and training. Go to www.investinbristol.gov.uk

The Major Applications Protocol

what Bristol City Council will do

Provide timely initial advice from a senior officer¹

Review the resources available to give advice⁵

Stress the importance of early community involvement; recommend the setting up of a Development Management Forum²

Encourage the use of a Planning Performance Agreement³

Arrange consideration by the council's pre-application Development Team⁸

Formally register the pre-application submission⁶

Assist with communication with the NPN and the community involvement strategy⁷

In response to the PPA, or otherwise, attend meetings to resolve issues raised by the scheme where possible

Provide links to Building Control¹⁰

Help with formal application validation requirements⁹

Arrange councilor and stakeholder briefing¹¹

Pass on third party comments received

Time manage the process by:

- Initiating consultation within two weeks
- Offering an opportunity to present the application to relevant officers within three weeks
- Contacting the applicant if more information is needed within four weeks
- Holding a first review meeting to discuss and establish any outstanding issues that need resolution before the application is determined within six weeks

Broker liaison and discussion with external consultees¹²

Identify amendments that could address issues including planning obligations¹³

Set up a system to monitor conditions and planning obligations

Commit resources so that all applications to discharge planning conditions can be determined within agreed timescales subject to receipt of the necessary information

Monitor implemented developments to check compliance with approved plans/conditions

initial approach

pre-application

application

post decision

what developers will do

Undertake pre-submission community involvement at the earliest possible time before specific proposals are made and when significant options are still open²

Normally enter into a PPA³ for super major schemes

Take into account the key policy or strategic issues at the outset and be responsive to council officer advice⁴

Adhere to the validation requirements to enable applications to be registered expeditiously⁹

Provide a high quality planning application¹⁵

Submit a Community Involvement Statement¹⁴

Provide clear channels for communication¹⁶

Recognise that occasionally additional issues will arise from the consultation responses which may impact on previously agreed timescales, and respond positively

Assist with additional consultation¹⁷

Work with the city council on any s106 agreement as early as possible, and use the standard clauses wherever appropriate

Respond in a timely manner to production of additional information¹⁸

Work with the council to manage the discharge of conditions including the provision of the necessary information

Explanatory notes to the Protocol Process Diagram

- 1 By offering within two days or two weeks respectively the opportunity for an initial informal telephone conversation or a meeting with a Coordinator or Principal Planning Officer, as long as basic information, such as site location and the general parameters of the proposed development are provided. The meeting will identify the issues and information that will be considered by the council's pre-application Development Team in due course; the outcome of the meeting will be recorded and agreed between the parties
- 2 The council will assist and signpost developers to relevant contacts but good sources of information are:
 - the council's **Statement of Community Involvement** explains how the council will involve the community in planning decisions as well as the expectations for how developers should engage the community. Go to www.bristol.gov.uk/planning
 - the **Bristol Neighbourhood Planning Network** is a network of voluntary groups within the Bristol area, working together to help developers and groups get better involvement in how neighbourhoods are developed, through the planning system. Go to www.bristolnnpn.net
 - The 14 **Neighbourhood Partnerships** provide an opportunity for local communities to have a greater say in the way services and local issues are managed by Bristol City Council and other agencies. For more information go to bristolpartnership.org/neighbourhood-partnerships
 - A **Development Management Forum** is a series of meetings, workshops etc to facilitate discussions between developers, local councilors and local community groups.
- 3 For super major schemes but consider the benefits of so doing for other schemes.
- 4 In 2011 the key adopted planning policy is the Bristol Local Plan but emerging policy within the Bristol Development Framework will become increasingly relevant as it moves towards adoption. For information on council planning policy and guidance go to www.bristol.gov.uk/planning
- 5 The council will use its best endeavours to ensure that the required skills and resources are available to deliver on the protocol commitments. If gaps are identified measures such as training, bringing in temporary staff or buying in other expertise will be explored with developers.
- 6 Subject to the receipt of the information agreed during the Initial Approach stage and the appropriate fee for Bristol's pre application advice service.
- 7 Notify the NPN unless there is a clearly stated reason for confidentiality at this stage and officers to make comments on the developers pre-submission approach to consultation.
- 8 Principally for super major schemes. The Development Team is a regular meeting of council officers representing the range of services involved in development proposals including officers from the council's Economic Development and Regeneration team ; the council will provide a detailed response regarding principle of development; relevant planning issues; and likely subjects for any s106 planning obligations within 30 working days.
- 9 Officers will assist in the interpretation of the council's application validation requirements: further information can be found at www.bristol.gov.uk/planning
- 10 The council's own building control service including structural engineering and fire safety specialists to advise you at any stage of construction as part of a team approach. Further information can also be found by visiting www.bristol.gov.uk/buildingcontrol, emailing building.control@bristol.gov.uk or by phone 0117 922 3000.
- 11 For super majors facilitate presentations of proposals at a Council Member and Stakeholder Briefing particularly if identified in the PPA.
- 12 Such as English Heritage, Environment Agency, and, if required, with the Building Regulations Team to discuss feasibility and compliance issues.
- 13 The council will provide a draft s106 agreement where possible or provide model templates for a unilateral undertaking, available via www.bristol.gov.uk/planning
- 14 Setting out which groups and other stakeholders were involved, the issues raised at each stage, how these have been responded to and if not, why not.
- 15 This will include all necessary plans, illustrative and context material & supporting statements in both paper and electronic format, insuring the later will achieve good reproduction when viewed on the web and at DC committee presentations.
- 16 Identify a principal point of contact for communications with the developer's team. Likewise the developer will work through the council's identified principal point of contact, as established by the PPA or otherwise.
- 17 Facilitate, in agreement with the council, any consultation required after the application has been received – this may involve public meetings/exhibitions.
- 18 Make any amendments, or send additional information requested, in accordance with timescales set out in the PPA or to enable a determination within 13 weeks.



Planning Performance Agreement Framework

Part 1: Key Project Issues

Procedural Arrangements

Roles and responsibilities of the developer's and council's teams; principal point of contact for each with contact details and a commitment to channel all communications through these contacts.

Review of Policy Position

Does the existing policy framework provide the necessary guidance and certainty for the proposed development. If not, set out an agreed process for strengthening the policy framework, through a formal adoption route or as part of the masterplanning/application process. If the proposal is contrary to the existing policy framework, this should be clearly stated along with any tasks required to address this.

Review of Evidence Base

The depth of knowledge on all relevant physical, environmental, social and economic factors should be assessed. The scope of any required further work should be agreed and set out. Arrangements for Environmental Impact Assessment (EIA) Screening and Scoping should be discussed and agreed at this stage.

This Protocol promotes the use of a PPA as a project management tool especially for super major applications. This section summarises the key elements that should be incorporated within a PPA. Experience has shown that for less significant schemes a more straightforward PPA can be helpful that focuses more on programme and procedural arrangements, but the key principle behind a PPA, to agree a way of working between developers, the community and stakeholders, should apply to all schemes.

The key components of a PPA , broken down into three main parts are:

Community Involvement and Member Involvement

The strategy should be set out and agreed, including the approach to the involvement of the community, drawing on the knowledge of the NP and NPN; the identification of the communities to involve; the process of engagement and the approach for taking account of their views; the process for engaging Elected Members in their different roles at appropriate stages, without compromising the decision making process.

Statutory Agencies and Service Providers

The process of engaging with these parties and the commitment and resources expected to be agreed where possible.

Part 2: The Process

(See diagram opposite)

To set out the process that all parties will work through covering:

Vision

- flowing from the community strategy; and
- development plan framework

Strategic Framework

- overall sustainability, including physical, environmental, social and economic context appraisal and baseline work
- EIA Screening and Scoping
- stakeholder issues

Spatial Masterplan

- land use/movement/density framework etc.
- urban design and sustainability principles
- development options

Implementation Plan

- phasing
- likely s106 heads of terms

Submission and Assessment of Planning Application

- accompanied by supporting documents, to an agreed scope (full or outline)
- negotiations on issues arising from formal consultation and detailed assessment

Issuing the Decision

- to include s106 agreement and/or conditions

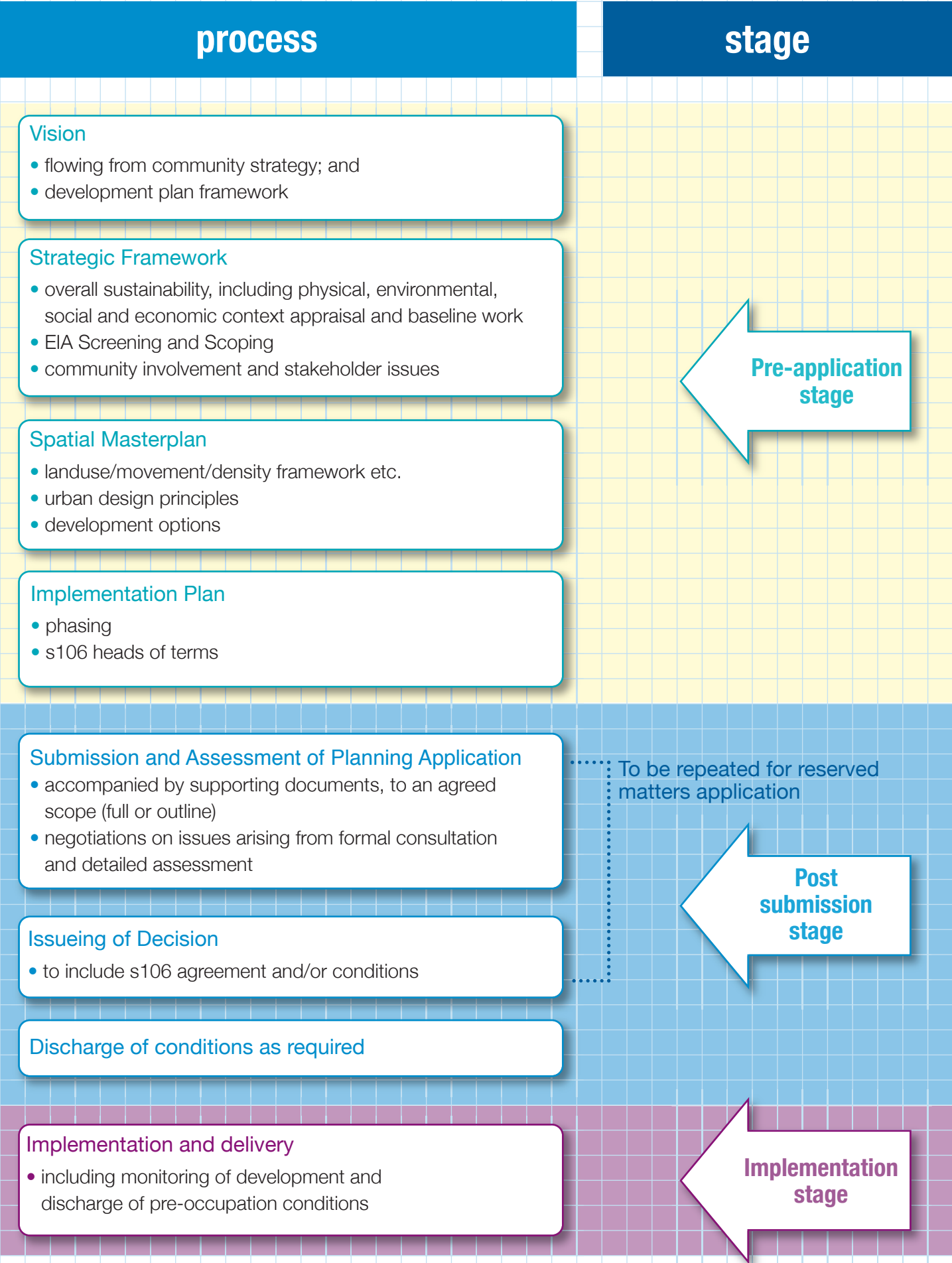
Discharge of conditions as required

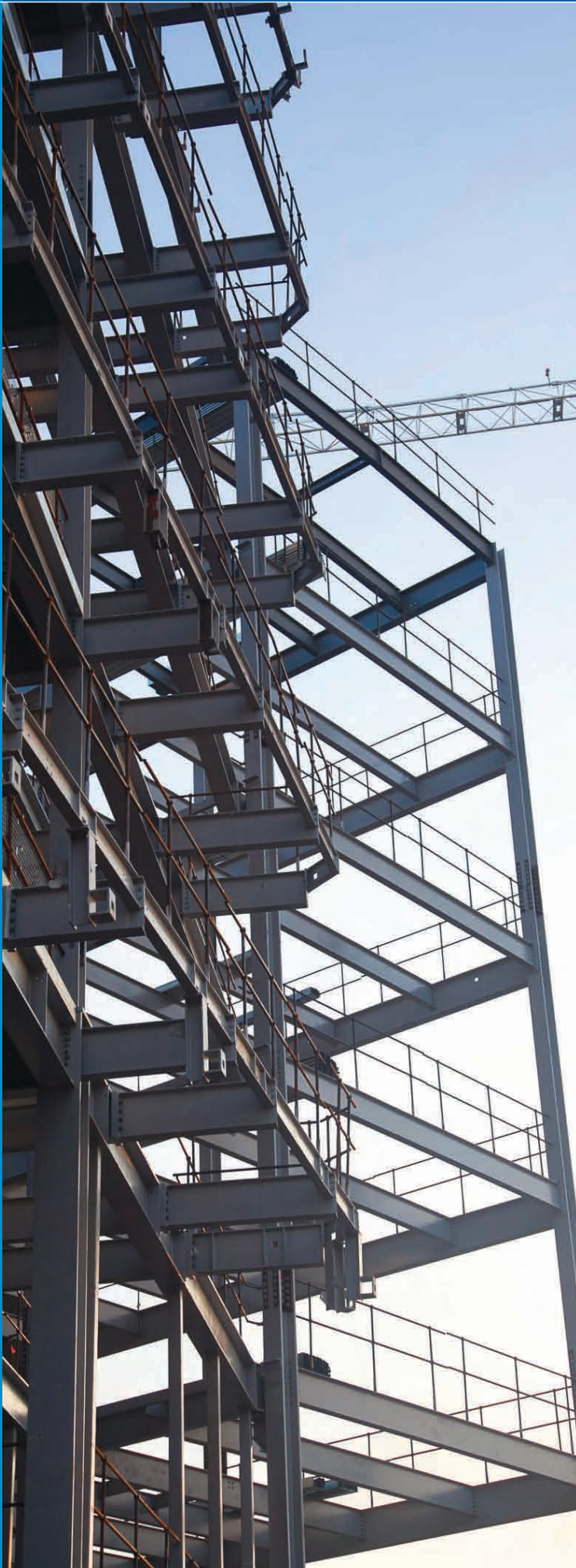
Implementation and Delivery

- including monitoring of development and discharge of pre-occupation conditions

Part 3: The Programme

A timetable for part 2 ideally in the form of a Gantt chart, with intended progress displayed against the required tasks. The programme will be reviewed through the life of the project.





All enquiries regarding this document should be directed to Development Management.

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