**PLANNING PERFORMANCE AGREEMENT**

**SHALE GAS DEVELOPMENTS**

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| **Between:**  **Applicant** |  |
| **and: Mineral Planning Authority** |  |
| **Date** |  |

|  |  |
| --- | --- |
| **Description of the proposal** |  |
| **Location** |  |
| **Planning reference(s)** |  |

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| **Objectives and purpose of the Planning Performance Agreement (PPA)** | |
| Collaborative Working | Secure and facilitate collaborative working between the applicant, the council and other parties on the preparation, submission and processing of the planning application for the proposed development |
| Clear timescales | Set out and agree the timescales (including contingencies) for delivering a timely planning decision[[1]](#footnote-1) and work positively towards that achievement. **The PPA should include a target planning committee determination date** |
| Planning issues for PPA (Pre application advice) | Identify the key planning issues/constraints (as known) which will need to be addressed as part of the PPA, together with any specialist technical advice required (if known) |
| Community Engagement and Community Liaison Group | Agree a programme of community engagement, to be implemented by the Applicant and taken into account prior to the submission of any planning application, including the establishment of a Community Liaison Group (CLG) |
| Consultees | Identify any consultee or other party that needs to be part of, or act alongside, the PPA |
| Shale Gas Regulators & consenting regimes | Identify the SERG[[2]](#footnote-2) coordinator and contact details and ensure that they are aware of, and actively involved in, the PPA  The applicant will keep the MPA informed of the status of any other consents required for the development to go ahead |
| Funding and fees[[3]](#footnote-3) | Any matters that the MPA has to deal with that are beyond what would reasonably be required for the statutory processing of the planning application and which are not already funded by the governments support fund[[4]](#footnote-4) will be paid for by the applicant, subject to their agreement |
| Milestones and project management | Parties to identify and agree milestones i.e. what needs to be done, who by and by when (**see Appendix 1 for examples)** |
| PPA Progress meetings | The MPA will organise and convene meetings in order to facilitate the delivery of the agreed milestones. An update report (or chart) on progress in achieving the milestones will be reported to each meeting in order to keep the programme under review **(see Appendix 2 for example)** |
| Performance standards | All parties will use their best endeavours to respond to information requests or correspondence within agreed timescales and be proactive in progressing and resolving issues as quickly as possible |

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| 1. **Applicant Team** | | |
| Name | Position & Role | Contact Details |
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| 1. **Mineral Planning Authority Team** | | |
| Name | Position & Role | Contact Details |
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| 1. **Other Parties** | | |
| Name | Position & Role | Contact Details |
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| 1. **Key Milestones** | | | |
| No. | Milestone | Target date | Party/Parties Responsible |
|  | *e.g. Target committee date* |  |  |
|  | *e.g. Agree planning conditions* |  |  |
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| 1. **Performance Standards** |  |
| All parties will use their reasonable endeavours to achieve the following performance standards: | Performance standard required |
| e.g. Respond substantively to all emails, letters and telephone calls (unless circumstances beyond the reasonable control of either party prevents compliance with this standard. Such circumstances will be notified to the relevant party, together with a revised response date) | *(INSERT NUMBER) working days* |
| e.g. PPA progress meetings will be programmed and held every ***3 weeks*** (or as agreed) and will be organised and convened by the MPA (unless otherwise agreed in writing) | *Every (INSERT NUMBER) weeks* |
| e.g. be proactive in identifying and progressing any potential blockages by resolving issues as quickly as possible | *On going* |
| e.g. MPA to provide draft minutes and/or action points arising from meetings for comment and agreement, in addition to subsequently providing a final copy of agreed meeting minutes and/or action points | *Within (INSERT NUMBER) working days of each meeting* |

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| 1. **Fees and payments** | | | |
| If capability and capacity funding has been secured through the Government’s shale support fund then any fees or payments agreed between the applicant and the MPA must not duplicate such funding. | | | |
| Service provided | Description | Hours | Cost |
| *e.g. Ecology Officer* | *Advise re. biodiversity survey requirements* | *2* | *£100.00* |
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| 1. **Signatures** | |
| I hereby agree to the terms set out above:  **For INSERT NAME Council as Mineral Planning Authority:** | |
| Name |  |
| Position |  |
| Signature |  |
| Date |  |
|  | |
| I hereby agree to the terms set out above:  **For INSERT NAME as the Applicant:** | |
| Name |  |
| Position |  |
| Signature |  |
| Date |  |

**APPENDIX 1**

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| **KEY MILESTONES EXAMPLES** | | | |
| No. | Milestone | Target date | Party/Parties Responsible |
|  | Pre-application advice on key issues and information requirements to be addressed |  |  |
|  | EIA screening submission |  |  |
|  | EIA screening opinion |  |  |
|  | EIA scoping request made |  |  |
|  | EIA scoping opinion |  |  |
|  | Community Engagement Programme prepared |  |  |
|  | Community Engagement Programme agreed |  |  |
|  | Pre-application community engagement carried out |  |  |
|  | Preparation of planning application – draft planning application sent to MPA for comment |  |  |
|  | Submission of Planning Application |  |  |
|  | Validation and registration |  |  |
|  | Consultation launched |  |  |
|  | End of consultation period |  |  |
|  | Analysis of representations and consultation responses received |  |  |
|  | Identifying, clarifying and addressing any outstanding issues arising from consultations and assessment |  |  |
|  | Draft conditions prepared and sent to applicant for comment |  |  |
|  | Draft conditions comments from applicant |  |  |
|  | Draft conditions finalised |  |  |
|  | Draft s106 prepared and shared |  |  |
|  | Draft s106 comments from applicant |  |  |
|  | Draft s106 finalised |  |  |
|  | Completion of MPA committee report |  |  |
|  | Target determination date (committee date) |  |  |
|  | Decision issued |  |  |
|  | Committee site visit |  |  |
|  | Discharge of conditions programme agreed |  |  |
|  | Community Liaison Group first meeting date |  |  |
|  | Discharge of condition x1,x2,x3…etc. |  |  |

**APPENDIX 2**

**MILESTONE TRACKER EXAMPLE**

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| MILESTONE | | Pre-Application | | SUBMISSION OF APPLICATION | Post-Submission | |  | Post-Determination | |
| *INSERT DATE* | *INSERT DATE* | *INSERT DATE* | *INSERT DATE* |  | *INSERT DATE* | *INSERT DATE* |
| 1 | Pre-application advice on key issues and information requirements to be addressed | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQIRED* | **DETERMINATION OF APPLICATION** | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 2 | EIA screening submission | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 3 | EIA screening opinion | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 4 | EIA scoping request made | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 5 | EIA scoping opinion | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 6 | Community Engagement Programme prepared | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 7 | Community Engagement Programme agreed | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 8 | Pre-application community engagement carried out | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 9 | *Etc.* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 10 | *Etc.* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 11 | *Etc.* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |  | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |  | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |
| 12 | *Etc.* | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |  | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |  | *INSERT ACTION REQUIRED* | *INSERT ACTION REQUIRED* |

**KEY**

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|  | DENOTES ACTION / MILESTONE COMPLETE |
|  | DENOTES ACTION / MILESTONE OUTSTANDING |
|  | DENOTES ACTION / MILESTONE TO BE AGREED |

1. Includes negotiation of legal agreement(s) and the discharge of conditions, where appropriate [↑](#footnote-ref-1)
2. Single Environmental Regulator Group (Environment Agency, Oil & Gas Authority, HSE) [↑](#footnote-ref-2)
3. Not including statutory planning application fees [↑](#footnote-ref-3)
4. “Shale exploration – Support for mineral planning authorities” MHCLG May 2018 [↑](#footnote-ref-4)