



Aberdeenshire Council **Planning Processing Agreement Guidance**

Introduction

This guidance sets out the approach of Aberdeenshire Council towards the use of a Planning Processing Agreement (PPA).

A key theme of the Scottish Government's recent drive to modernising the planning system was the need to achieve greater efficiency in the handling of planning applications and promoting the use of PPA's to facilitate the handling of national and major planning applications.

This guidance reflects the Council's commitment to work with applicants to deliver major developments that address key outcomes and commitments including well-designed, sustainable places where the necessary amenities and services can be accessed. This is to be achieved by protecting and enhancing the natural and built environment, encouraging economic growth, promoting mixed and sustainable communities and making efficient use of the transport network within Aberdeenshire.

Planning Processing Agreements

A PPA is a project management tool and an agreed way of working for developers, the Council and relevant stakeholders. It involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the successful completion of various stages of the process. The use of such an agreement can deliver a number of benefits including:

- Transparency in decision making
- Greater predictability and certainty over key stages in process, including committee dates and Legal Agreement timescales.
- Faster and more efficient decision making
- Clear lines of communication between Planning service and applicant
- More effective and earlier engagement of key stakeholders

It is also important that the PPA identifies risks to the key dates being adhered to and makes provisions for the project plan and agreement to be amended accordingly. This will assist in keeping resultant delays to a minimum and getting progress with the application subsequently back on track.

From a developer's perspective, in addition to the above advantages, wider benefits to a large scale project can also be realised. The greater time

transparency, predictability and buy in from stakeholders can allow the developer to accomplish a more efficient project plan. Examples could include knowing when a planning decision is likely, thus allowing appropriate time to prepare Roads Construction Consent, Building Warrant or Appeal documentation to make for a more efficient process as a whole.

Applications Requiring a PPA

A PPA will be required for all national and major development proposals as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The Council may however also consider the use of a PPA for a local development proposal which involves complex planning issues; is a departure from the Development Plan; requires an Environmental Statement; or is significant in terms of economic development.

It is expected that detailed pre-application discussion and consultation will take place in respect of such developments. Once the key issues have been identified and basic information requirements have been agreed, a processing agreement will be drafted. The key parties, including where possible external stakeholders will be expected to be involved in drafting the PPA.

Failure to agree or sign a PPA will mean that any application will be subject to the standard application timescales, giving little or no flexibility for the submission of additional information or similar delays such as agreement on Planning Obligations or Legal Agreements. As such, without a PPA the council will adopt the orthodox stance of determining the application within statutory timescales.

When to Prepare a PPA

Planning Legislation requires applicants to undertake mandatory pre-application community engagement for all major and national developments. Under the regulations a Proposal of Application Notice (POAN) is required a minimum of 12 weeks before the application is submitted. A PPA should be produced at this stage if pre-application discussions have not taken place beforehand. Otherwise the PPA should ideally be produced earlier in the process as part of the pre-application discussions.

PPA's can also be discussed and implemented at the Masterplan or Development Framework stage for some developments if required, particularly in instances where applications are likely to closely follow this process.

What the PPA Should Achieve

The PPA should be a clear statement of what the Council, applicant and key stakeholders will do to ensure the planning application is determined in an effective and efficient manner. It should make clear the principal requirements

of the statutory application process and the information needed from the key stakeholders.

What is Expected of the Council

The Council encourages pre-application discussion at an early stage and preferably before any POAN is submitted. On submitting a pre-application enquiry concerning a major development to the Planning Service (or when first contact is made regarding a local, but complex application) a case officer will be allocated within either the Strategic Development Delivery Team, one of the Area Teams or in some circumstances a combination of both. The case officer will identify which agencies and service providers need to be engaged and to notify them accordingly.

At this stage the Council will likely look to organise a formal pre application meeting (under the Major Application Meeting mechanism currently in place). At this point all relevant officers from other Council Services, key stakeholders and consultees will be invited to attend and discuss the proposal, in order to set out the development and identify any issues.

All Council officers will work on behalf of the Council in the wider public interest to secure a scheme that delivers the Council's planning and development plan objectives, according with relevant planning policy. Officers are expected to express their own professional opinions in forming guidance for the applicant. This guidance will not, however, bind officers to a final recommendation nor override the requirements for a formal planning application to be determined without prejudice, and within the statutory requirements of current planning legislation. The Council will use best endeavours to meet the agreed programme.

What is Expected of Statutory Agencies and Consultees

For most applications, consultees and statutory agencies are likely to be required to provide advice in a timely manner at both the pre-application and application stages. The formal pre application meeting process will offer a defined platform for this, alongside formal consultations through an application. Additional pre application discussions with consultees, over and above the formal platform, to establish information requirements and resolve outstanding issues are encouraged.

Consultees will need to be clear about the level of information they require to fully comment at both stages in order to avoid delays to the planning process. Ideally it should be possible for consultees to sign up to agreed timescales as part of the PPA process.

What is Expected of the Applicant/Developer

Early engagement with the Council is fundamental to a smooth application process. Even for local developments, early pre application discussions are encouraged. The Council will expect the applicant to approach any project in a collaborative manner and co-operate with the Council in the sharing of information. The applicant will be expected to appoint appropriate professional consultants with sufficient experience to reflect the nature and complexity of the project. Applicants will, crucially, also be expected to deliver the agreed information in the agreed timescales.

Drafting the PPA

The Council will expect any applicant or developer engaged in the submission of an application for a national, major or complex development to sign a Planning Processing with the Council as Planning Authority. Other Council services, statutory agencies and service providers will also be expected to commit to the agreement and ensure the necessary resources are made available to meet any timescales set. They will be advised when a processing agreement has been drafted and asked to comment in order to ensure it is realistic and achievable. The process will include the following key elements:

- Meet and discuss the project at an early pre application stage, including the formal Major Application meetings organised and through any preceding Masterplan or Development Framework process.
- Identify potential key issues including where further technical information is required;
- Produce a draft PPA identifying key dates, timescales, responsibilities, risks, submission and response times and regular review points;
- Circulate PPA to relevant parties for comment and commitment;
- The process is concluded with the signing of the PPA by the Council and the applicant/developer.

After the Agreement is Signed

As the planning process progresses, the PPA will be subject to regular review. This is essential to allow the Council and developer to revisit the programme at the agreed milestones, such as at the end of the pre-application stage or following the consultation period/Neighbour Notification period during the application stage. This should ensure that the programme is still realistic and achievable in view of any issues that may emerge. Revision of the PPA may be necessary and it should be possible that the need for review or amendments can be raised by any party during the process.

PPA's are designed to be fluid and flexible documents, able to adapt to changing circumstances, unforeseen events or issues and delays from any party. These are not legally binding. Revisions or amendments to the PPA should not be seen as a negative aspect, but instead should be accepted as a mechanism to ensure the efficient and timeous determination of the application without need for withdrawal or refusal within statutory timescales.

Format of PPA's

The structure and content of the PPA shall comprise the following:

- The details of the associated planning application
- Details of the key contacts
- Key dates within the decision making process including review points
- Information to be submitted by the applicant and associated deadlines
- Information to be provided by the consultees and associated deadlines
- Issues to be dealt with through Planning Obligations
- The signatories

A Template PPA is available on the website, or by request from the Planning Service.

Signatories

The PPA will be signed by the applicant and the Planning Authority. Prior to signing, all consultees involved in the application will be advised of the required timescales and will be asked to confirm that these timescales can realistically be met. The PPA will normally be signed by the case officer on behalf of the Planning Authority.