

## BACKGROUND

**The Moray Council is committed to promoting economic growth across the area whilst safeguarding and enhancing the natural and built environment, and promoting overall sustainability.**

**To ensure that these aims are met, and in line with the expectations of Scottish Government, the Council will promote the use of processing agreements for dealing with all major applications (as defined under the Hierarchy Regulations 2009) and larger-scale local applications.**

**This guidance sets out how the Moray Council deals with Planning Processing Agreements (PPA).**

## PLANNING PROCESSING AGREEMENTS

A PPA is essentially a project management tool and framework to ensure the efficient processing of an application for a major or large local development. The use of an agreement can offer:

- Greater transparency in decision-making
- Greater predictability and certainty over the timing of key stages
- Faster decision-making
- Clearer lines of communication
- More effective and earlier engagement of key stakeholders

The agreement will be based on a shared understanding about the key stages in the process involved in determining a planning application, identifying what information is required, and from whom, and setting timescales for the delivery of various stages of the process.

The PPA is about the process by which an application will progress to its decisions: it is not about the planning merits of the application.

## COMMITMENT TO THE PLANNING PROCESSING AGREEMENT

The Council has provided a commitment to encouraging pre-application discussion through the calendar of meetings that are arranged in advance and held every month when required. Ideally these meetings are held before a PAN is submitted.

All pre-application enquires for a major or large scale development should be sent to the Manager (Development Manager), at [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk) The enquiry will then be allocated to a Principal Planning Officer (west or east team) and a decision will be made whether a processing agreement is appropriate and which stakeholders need to be engaged in this specific proposal and they shall be notified of their required involvement. For most proposals the Principal Planning Officer will be the lead officer for the Council and will arrange a pre-application meeting with key stakeholders within the Council, the applicant's team and other external consultees as appropriate.

The key responsibilities of the lead officer will be to direct the project plan, coordinate the project team, liaise with stakeholders and deliver the application within the agreed timescale.

The guidance that the project team give will not bind them 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.

## **APPLICATIONS TO BE ACCOMPANIED BY A PLANNING PROCESSING AGREEMENT**

A PPA will be promoted required for all major development proposals as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The Council also wishes to promote the use of PPA's for other larger local developments for key developments which provide significant economic benefits and where timescales have been highlighted to be critical in delivering the scheme on the ground. Therefore where deemed appropriate all larger local developments will be required to be subject to a PPA.

Detailed pre-application meetings and consultation are expected to take place on larger schemes and once the general principles and basic information requirements have been agreed, a PPA will be drafted to include key dates, review meetings and the overall handling of the formal application. All parties including external stakeholders will be involved in drafting the PPA and will be expected to agree to it if the timetable is feasible and the requested information requirements identified are likely to be met.

## **WHEN TO PREPARE A PLANNING PROCESSING AGREEMENT**

The 2006 Planning etc Act requires applicants to undertake mandatory pre-application community engagement for all major and national developments. Under these regulations a Proposal of Application Notice (PAN) is required a minimum of twelve weeks before the application is submitted. It is feasible that requirements for a PAN could form part of the PPA.

Applicants are encouraged to contact the planning authority as early as possible to assist with the application process. It is expected that a PPA will be drafted early in the process as part of the pre-application discussion process. However if a PAN is submitted and a processing agreement has not yet been entered into the Council will contact the developer/applicant to discuss the benefits of entering into a processing agreement and/or that of putting the proposal through the pre-application discussion process.

## **REQUIREMENTS OF CONSULTEES**

For major applications and large local developments all internal and external consultees participating in pre-application discussions will be expected/required to provide pre-application advice in accordance with agreed 14 day turn-around time after the date of the pre-application meeting unless otherwise agreed.

Consultees have already agreed to be party to the pre-application process as a way of "front loading" the planning system. This also ensures that when applications are received they are accompanied with the necessary information to assist with the assessment of the application and reduce timescales for determination.

In addition to the level of service already provided all consultees as identified during the pre-application process will be expected/required to sign up to the agreed timescales included in the PPA. This will form part of Moray Councils final signature to the processing agreement.

## REQUIREMENTS OF APPLICANTS

Applicants will also be expected to deliver the agreed information in line with agreed timescales unless revised dates are agreed by both parties.

## CONTENT OF PLANNING PROCESS AGREEMENTS

The Council, applicant and any relevant key stakeholders engaged in the PPA process will work together and reach agreement on the following:

- Decision making process
- Key dates and points to be included in the review
- Additional information to be provided by consultees
- Identify requirements for potential S.75 agreements
- Signatories

A template has been produced to show the likely format a PPA. The precise format will be adapted to suit the needs of each development proposal depending on the individual requirements. The template is attached as Appendix 1.

## DRAFTING THE PROCESSING AGREEMENT

The Council will expect any applicant party to the PPA process to sign a Planning Processing Agreement. Both the applicant and the Council will commit to the PPA. All consultees will also be expected to agree the draft agreement and to ensure that the necessary time and resources are made available to meet the timescales set. Once an agreement has been drafted comments will be sought to make sure the timescales are realistic. 14 days will be given for responses to draft agreements and for consultees to confirm their willingness to sign any draft PPA. If any party is unable to agree to the signing of the agreement this will be raised with the Head of Development Services

The drafting of the agreement should come from or after the pre-application meeting and involve the following key stages:

- Pre-application meeting at an early stage (if not already held)
- Identify key issues and what technical information is required
- Ensure all stakeholders from the pre-application process are part of a project group to deliver the scheme
- Produce a draft PPA with key dates, responsibilities, any risks identified and regular review dates.
- Circulate PPA (draft) to all stakeholders named in agreement to confirm commitment to PPA/

The PPA will then be signed by the applicant and then the Council.

## IMPLEMENTATION PHASE

This stage involves delivering the agreed timescales including regular review of the PPA. Regular reviews are essential to allow the project group to revisit any of the agreed milestones such as at the end of the pre-application stage following completion of formal consultation during the application process, to ensure the timescales are still achievable as the project moves forward through the process.

Revision of the PPA maybe necessary as the proposal evolves and it should be possible for revisions to be raised by any stakeholder party to the PPA.

## SIGNATORIES

The processing agreement 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 also be asked to confirm that these timescale can be met.

The PPA will be signed by the Head of Development Services on behalf of the Planning Authority.

## CONTACTS

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For further information on the PPA process please contact the Development Management Team as follows:

**West Team – Angus Burnie**, Principal Planning Officer  
Tel. 01343 563270 E-mail – [angus.burnie@moray.gov.uk](mailto:angus.burnie@moray.gov.uk)

**East Team – Neal MacPherson**, Principal Planning Officer  
Tel. 01343 563266 E-mail – [neal.macpherson@moray.gov.uk](mailto:neal.macpherson@moray.gov.uk)

**Head of Development Services – Jim Grant**  
Tel. 01343 563262 E-mail – [jim.grant@moray.gov.uk](mailto:jim.grant@moray.gov.uk)

**DM Manager – Beverly Smith**  
Tel. 01343 563276 E-mail – [beverly.smith@moray.gov.uk](mailto:beverly.smith@moray.gov.uk)

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