REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 5 DECEMBER 2017

SUBJECT: NATIONAL STANDARDS FOR THE VALIDATION & DETERMINATION OF PLANNING APPLICATIONS & OTHER RELATED CONSENTS

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT, PLANNING & INFRASTRUCTURE)

1. REASON FOR REPORT

1.1 The Committee is asked to agree that the recently published Heads of Planning Scotland guidance note for the validation and determination of planning applications and other related consents is used and promoted as best practice for Development Management purposes.

1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as Planning Authority.

2. RECOMMENDATION

2.1 **It is recommended that the Committee:**

(i) **note the recently published Heads of Planning Scotland guidance note on the national standards for the validation and determination of planning applications and other related consents in Scotland;**

(ii) **agrees that the guidance note is promoted for use within Development Management as 'best practice' with the aim of improving the overall quality of submissions as well as streamlining the timescales for determination;**

(iii) **agrees that, for the purposes of Development Management, validation checks on planning applications will be more robust and validation will not automatically occur on the first attempt where key information required to assess the planning application has not been submitted as set out at paragraph 5.3;**

(iv) **agrees to the holding of a workshop with local agents/developers to inform how the validation best practice guidance note is to be used in Development Management and to place the guidance note on the Council's web site; and**

(v)   agrees to monitor the rates of validation following the workshop setting a target of 70% of applications being valid on day one of receipt (including the additional information set out at paragraph 6.4) and to review the procedure after 12 months with a further report being presented to this Committee.

3.   BACKGROUND

3.1   The recent independent report on the review of Planning "Empowering Planning to Deliver Great Places", May 2016, contained a specific recommendation relating to the need for national guidance on the minimum requirements for the validation of planning applications (recommendation 29). This was subject of a report to the meeting of this Committee on 6 September 2016 (para 12 of minute refers).

3.2   The report concluded, that "consistency and transparency of information are central to the reputation and smooth running of the development management system. A balance is required between consistency of process across the country and providing flexibility to suit local circumstances. For example, developers are frustrated with inconsistent approaches to issues such as validation and expected supporting requirements".

3.3   The guidance note, a copy of which has been placed in the Member's Portal and 2 copies in the Member's library, has been reviewed through the Heads of Planning Scotland (HOPS) Development Management Sub-Committee as it was felt important that any new guidelines were developed nationally and could be reviewed by the Scottish Government and external organisations.

3.4   The benefits of successful and early validation of applications are considered important for several reasons and these are set out at point 1.8 on pages 5 and 6 of the guidance note. If the correct information is not submitted at the start of the process it can result in delays in the determination of the application and frustrate a number of parties involved including internal and external consultees who are consulted on the application, community councils and notifiable neighbours.

4.   STATUTORY PROCEDURAL REQUIREMENTS

4.1   The procedural requirements on applications for planning permission are set out in Part 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The statutory requirements are currently limited and apply whether the application is large or small in scale and complexity. An application can be validated if the appropriate application form is completed, the relevant fee is paid; relevant certificates are provided and a set of scaled drawings to describe the development are submitted. With major applications a design and access statement and a pre-application consultation report are also a requirement for validation.

4.2   Where pre-application advice has been received on a major application it is likely that a number of reports and assessments have been identified to support such an application. For validation purposes these documents are required as part of the assessment and determination rather than for validation. These documents are required as part of the assessment and determination of the application and can include some, or all of the following:

- Transport Assessment
- Drainage and Flood Assessment
- Ecological Survey and Appraisals
- Tree Survey
- Contaminated Land Assessment
- Landscape & Visual Impact Assessment
- Noise Impact Assessment
- Private Water Supply Assessment
- Archaeology Assessment
- Viability Reports
- Environmental Impact Assessment Report

4.3   Local and householder planning applications can also require a level of supporting information, again not for validation purposes but to enable the proposal to be fully assessed against the Local Development Plan and Supplementary Guidance and other material considerations including Scottish Planning Policy, etc.

4.4   The current process for validation is carried out in accordance with the statutory requirements set out in the Regulations. Following a review last year of delays associated with determining planning applications it was agreed with the Environmental Health Manager that applications would not be validated if the details relating to the provision of a private water supply had not been provided. This has been successful in reducing the amount of information having to be requested once the application is valid and the consultation process is underway. The majority of local agents now, as a matter of course, supply this information with their planning applications without having to be asked. Arising from major pre-application advice meetings, applicants/developers are asked to "anticipate" requirements for supporting information and include that information in their formal submission.

4.5   Regulation 24 of the Development Management Regulations enables a planning authority to request from an applicant further documents, materials or evidence which they consider are required to determine the application. This is once the application has been validated.

5.   **PROPOSED CHANGES TO VALIDATION OF PLANNING APPLICATIONS AND OTHER RELATED CONSENTS**

5.1   The guidance note goes into considerable depth covering the level of information that is necessary to support a planning application through the determination process.

5.2 What is important to highlight is that all requests for information to accompany a planning application or other related consents must be proportionate and reasonably relate to the development that is being assessed. Pages 8-14 of the guidance note is a summary of the information required for the validation of a planning application in Scotland. This list is not exhaustive and further information can always be requested during the processing of an application depending on the specific nature of the application proposed. Pages 15-31 go into further detail and, for example, illustrate how a site plan should be presented. Pages 32-34 detail other documentation that may also be required to support an application.

5.3 Based on current practice it is considered that by promoting and using this guidance note as best practice for Development Management purposes that this will result in benefits to the overall process. Rather than just putting this guidance note forward for this Committee to note and agree its use as best practice the process of validation has been reviewed. Invalid letters are currently sent out where the minimum statutory information has not been received and in many instances this relates to the planning fee being incorrect. Additional details are also requested when the need is identified to comply with policy and supplementary guidance requirements. It is considered that as part of this review that the requirements set out below, which are fundamental to all development proposals should be submitted prior to an application being validated on the first attempt (in agreement with the applicant/agent/developer). These include the following:

i) **Access and Parking – (MLDP 2015 - T5, T2 & Transport Standards)**
Details of a vehicle access to and from a public road where it is being altered highlighting the changes being proposed. This should include showing how existing footpaths are being impacted upon. Details of visibility splays and evidence of control should be provided. All existing and proposed parking areas must be shown on a scaled drawing.

ii) **Water Supply and Drainage Arrangements – (MLDP 2015 - EP4 & EP5)**
Details of private water supply to be provided where proposed to be utilised. Sustainable drainage proposals for the provision of surface water must be provided.

iii) **Trees – (MLDP 2015 – E4 & Supplementary Guidance: Trees and Development)**
Where trees are identified to be impacted upon or proposed to be removed a tree survey should be provided.

5.4 By providing this key information up front it would enable the planning authority to carry out consultations and neighbour notification at a point where the information is available to be publicly viewed and can be commented upon. This would only occur where the applicant/agent/developer submit the requested information were agreeable to this request and on the understanding that once submitted, there may be a need for further information to be submitted as part of the assessment process.

5.5 The implications of this new guidance note and procedure is that more staff resources including time will need to be dedicated to the validation stage however it is considered that by being consistent at this stage and focusing on a number of key material planning considerations this will result in submissions being of a higher quality and reduce assessment time. This process can be the subject of further review in 12 months' time where additional items could be added. To ensure that the process is smoothly implemented a workshop is proposed to be held with local agents/developers to run through the recently adopted validation guidance note and the additional items that will be requested through the validation process.

5.6 As part of the Planning Performance Framework the percentage of applications that are valid on receipt is now measured. In Moray for 2016/2017 only 42% of applications were validated on receipt. This figure is relatively low but is partly down to the ePlanning portal allowing applications being submitted online with an option to pay the planning fee later. To improve this rate a target is proposed to be set to achieve 70% of applications being valid at the first attempt including the additional non-statutory requirements which can only be achieved by working together with local agents and developers. It is acknowledged that applications made by individual householders are unlikely to be validated on the first submission.

6. SUMMARY OF IMPLICATIONS

(a) **Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017**
The provision of front loading planning applications with a high quality but proportionate suite of documents supporting development proposals can assist in delivering high quality developments in reduced timescales.

(b) **Policy and Legal**
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 are relevant and regard has been had to them.

(c) **Financial implications**
None.

(d) **Risk Implications**
There is a risk that if the guidance note is not actively used and promoted as best practice there will be implications for planning performance in the determination of planning applications. This in turn will have an associated economic impact due to delays associated with delivering development that creates employment opportunities.

(e) **Staffing Implications**
Any additional workload would be utilised with existing staff resources.

(f) **Property**
None.

(g) **Equalities**
Not required.

(h) **Consultations**
The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager (Property & Contracts), Angus Burnie (Principal Planning Officer), Gary Templeton (Principal Planning Officer), the Equal Opportunities Officer, the Design Manager, the Environmental Protection Manager, the Acting Consultancy Manager, the Estates Manager, the Building Standards Manager, the Environmental Health Manager, the Moray Access Manager, the Transportation Manager, Teresa Ruggeri (Systems Technical Assistant) and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

7.   CONCLUSION

7.1   The recently published Heads of Planning Scotland guidance note on the national standards for the validation and determination of planning applications and other related consents in Scotland as set out in the guidance note is promoted for use within Development Management as a best practice guide with the aim of improving the overall quality of submissions as well as streamlining the timescales for determination.

7.2   For the purposes of Development Management validation, planning applications and other related consents will not be validated on the first attempt where the necessary information outlined to support the planning application has not been received as set out in paragraph 5.3 in agreement with the applicant/agent/developer for a trial twelve month period. Once and application is valid and registered, Regulation 24 remains available during the assessment of planning applications, to require that additional supporting documentation be submitted to enable all applications to be determined competently.

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Background Papers:
Ref: