



GUIDE TO THE USE OF PLANNING PROCESSING AGREEMENTS

Introduction

This guidance sets out the approach of Perth and Kinross 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 processing agreements 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 of Perth and Kinross for future generations.

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:

- Transparency in decision-making
- Predictability and certainty over the timing of key stages
- Faster and more efficient decision-making
- Clearly defined lines of communication
- Earlier and effective engagement with 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.

Applications requiring a Planning Processing Agreement

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; 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.

When to prepare a PPA

The 2006 Planning Act requires applicants to undertake mandatory pre-application community engagement for all major and national developments. Under the regulations a Proposal of Application Notice (PAN) 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.

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 PAN is submitted. On submitting a pre-application enquiry concerning a major development to the Development Management section of Planning & Regeneration, a case officer will be allocated. The case officer will identify which agencies and service providers need to be engaged and to notify them accordingly. At the same time a project team will be created comprising relevant officers from other Council services according to the individual needs of the development proposal. For most development proposals requiring a PPA, the case officer will act as the Council's lead officer and will set up and chair a steering group comprising key members of the Council's project team, the applicant's team, together with any other key stakeholders e.g. statutory consultee bodies.

The key responsibilities of the lead officer will be to:

- prepare a project plan and detailed work programme in liaison with other steering group members
- co-ordinate the Council's project team;
- communicate with Members;

- be the primary contact with the developer's project team;
- liaise with stakeholders;
- identify and manage risks to the timely conclusion of the planning process; and
- co-ordinate input from key agencies and service providers, and ensure they are provided with all relevant information as early as possible, and within the agreed time scales.

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 regeneration objectives and accords 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 service providers

For most major applications, the statutory consultee bodies likely to be required to provide advice in a timely manner at both the pre-application and application stages. Consultees will need to be clear about the level of information they require to come 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

Early engagement with the Council is fundamental to ensure a smooth application process. 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, be also expected to deliver the agreed information in the agreed timescales.

Drafting the processing agreement

The Council will expect any applicant engaged in the submission of an application for a major or national development to sign a Planning Processing Agreement with the Council as planning authority. Other Council services and 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 involve the following key elements:

- Meet and discuss the project at an early pre-application stage;

- Identify potential key issues including where further technical information is required;
- Form a steering group comprising key decision makers;
- Produce a draft PPA which will identify the key dates, responsibilities, risks and regular review points;
- Circulate to relevant parties for comment and commitment;
- The process is concluded with the signing of the PPA by the Council and the applicant.

After the processing agreement is signed

As the planning process progresses, the PPA will be subject to regular review. This is essential to allow the steering group to revisit the programme at the agreed milestones, such as at the end of the pre-application stage or following the consultation 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 can be raised by any party to the agreement.

Format of planning processing agreements

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 any planning obligation
- The signatories

The Council has produced a template to provide the basis of the expected format of any PPA. The precise format will depend on the complexity and nature of each individual major development proposal. The template is appended this guidance.

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 be asked to confirm that these timescales can realistically be met. The PPA will normally be signed by the Development Quality Manager on behalf of the Planning Authority.

Contact Details

The Development Management team can be contacted at:
 Planning and Development
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