

**THE HIGHLAND COUNCIL**  
**PLANNING, ENVIRONMENT & DEVELOPMENT COMMITTEE**  
**19th November 2008**

Agenda Item	
Report No	

**DEALING WITH MAJOR PLANNING APPLICATIONS –  
A CORPORATE APPROACH TO PRE-APPLICATION ADVICE**

**Report by Director of Planning & Development**

**SUMMARY**

Implementing the new Planning Act requires a more proactive approach to dealing with major developments which provide homes, create jobs and encourage inward investment. Dealing with major planning applications requires all Council Services to contribute to giving consistent and clear advice to developers. The best opportunity to do that is at pre-application stage. In the past there have been ad-hoc arrangements which would benefit from formalisation. Efforts have been made in taking a corporate team approach to advice to developers in the Nairn area. This is an important step forward to integrated infrastructure delivery and enhanced developer contributions as well as delivering efficiencies in the use of staff time and providing a better end product and it needs to be developed further. The Committee is asked to support and agree to the implementation of an improved business process for providing advice to major developers. This forms part of the Council's approach to dealing with the credit crunch and recovery from it.

**1. BACKGROUND**

**1.1** Along the A96 Corridor and indeed elsewhere in the Highlands, the Planning Service is currently dealing with a number of large planning applications and masterplans. In line with planning reform, there is a need to develop and refine our current approach to pre-application discussions on major developments:

- preparing, consulting and adopting a protocol of how we deal with major applications;
- ensuring that communications (at pre-application stage) between developers and various parts of the Council are recorded and dealt with on a consistent or corporate basis;
- formalising a system for the setting up and effective project management of teams established to look at major applications;
- developing strategic links between the various applications to ensure a co-ordinated and systematic approach;
- developing a systematic approach to the delivery of developer contributions with consistent advice from the various services responsible for infrastructure delivery across the Council;
- establishing clear timescales for the delivery of proposals to Committee, albeit that the applications are complex and timescales are difficult to predict;

- liaising with external agencies such as Transport Scotland to ensure a level of strategic advice that would result in better outcomes.

**1.2** Some other Scottish local authorities such as Aberdeenshire Council have already stated very clearly how they have organised themselves to deal with major applications. A lot of work has also been done in England on this, and it is likely that further guidance will come out from Scottish Government. In the meantime however, there is scope to introduce changes to current arrangements, which will result in more effective use of staff time, and result in a comprehensive service being provided to major development interests in the area. This will help to deliver the Council's Programme and improve its customer focus.

## **2. DEALING WITH MAJOR DEVELOPMENTS**

**2.1** The 2006 Planning Act identifies some types of planning applications as "Major Developments". The Council will be required to deal with these applications according to secondary Regulations expected in May/June 2009. There will be a prescriptive list of the types of development that this covers e.g. development of 100 houses or more and these will form the subject of the approach outlined in this report. In addition, there may be a role for other types of projects which are important to the Council to be covered by a more formalised system. These could include:

- Major Council capital projects such as care homes and waste management facilities;
- Scottish Water infrastructure schemes;
- Key affordable housing schemes;
- Major masterplan schemes which will form the basis of future planning applications – examples include the Inverness College/UHI Campus site and Muirtown basin; and
- Larger scale applications which although not categorised as major may have a significant impact on small communities or environmentally sensitive areas

**2.2** Having an early and effective discussion at the pre-application stage will assist in avoiding some of the difficult situations which can arise. In some instances planning applications have been withdrawn at the last possible moment before being considered by Committee, with all the attendant resource implications for both organisations and the uncertainty and anxiety caused for local communities.

## **3. THE REVISED PROCESS**

**3.1** The starting point to a change in the way the Service delivers its business is to look at the planning process from start to finish. The diagrams attached to this report demonstrate the high-level processes (in a simplified way) that are followed at present as well as the proposed changes. There is a need to ensure consistent planning policy advice, clear guidance from other Council Services, and a clear statement of how and when the Council will determine applications.

### 3.2 A suggested way forward is as follows:

- A Draft Major Development Guidance has been drawn up setting out the various steps that will be required, which will effectively act as a Memorandum of Understanding with the development industry. A copy of this is attached to this report. This sets out the commitment to a collaborative and corporate process, good project management and achieving high quality sustainable communities along with the pre-agreed commitment of all Council Services and where possible, other public agencies to this process. It also identifies the key requirements of the pre-application process and the approach and actions that applicants are expected to commit to.
- The Guidance will set out the need for an initial submission to be made by the developer to the Head of Planning & Building Standards setting out the details of the proposed scheme prior to the pre-application meeting being held.
- Major development pre-application meetings will be programmed at monthly intervals at which internal stakeholders will come together to discuss the issues associated with the development. Developers will be given the option of attending this meeting in specific constrained time slots. This will ensure a far more effective use of staff resources rather than the ad-hoc approach latterly used – i.e they will be programmed and part of day to day work. It is likely that the main Services who will have to commit to attendance at these meetings are Planning & Development, Housing & Property, Education, Culture and Sport and TEC Services. The opportunity would also be taken to identify suitable means of community engagement. The team will also monitor the progress of applications being considered by the Council.
- Action Notes will be drawn up from these discussions, with requests for the delivery of any supplementary information required at this early stage – from both the developer side and the Planning Authority side.
- A set timescale (6 weeks) will be given and met for the Council to provide a systematic and comprehensive pre-application pack to the developer involved. This will ensure that developers and communities can have confidence that all issues have been identified and considered very early on in the process. It can also provide developers with some guidance as to the level and type of community engagement which may be required.

### 3.3 To help promote the working in partnership principle it is recommended that the planning staff invite representatives of the development industry to a seminar to discuss this approach and determine any amendments or refinements to the draft protocol. That will encourage common understanding and shared ownership of it.

3.4 It is also proposed to encourage feedback from the industry on the operation of the protocol to refine it in practice.

#### 4. **Conclusions**

4.1 There is a need to formalise the current arrangements that are carried out on an ad-hoc basis across the Council. This will lead to a more effective use of staff time, a more professional service delivered by the Council and greater certainty for developers as to the likelihood of planning permission being granted (or indeed being recommended for refusal). It should also speed up the decision making process and reduce uncertainty in our communities.

<b>5.</b>	<b>Recommendations</b>
<b>5.1</b>	<p>The Committee is asked to:</p> <ul style="list-style-type: none"><li>• support and agree to the implementation of an improved business process for providing advice to major developers; and</li><li>• agree that the Major Developments guidance be referred to the development industry for comment and thereafter be published as a statement of the Council's intent to and procedures for the delivery of effective pre-application advice for major developments.</li></ul>

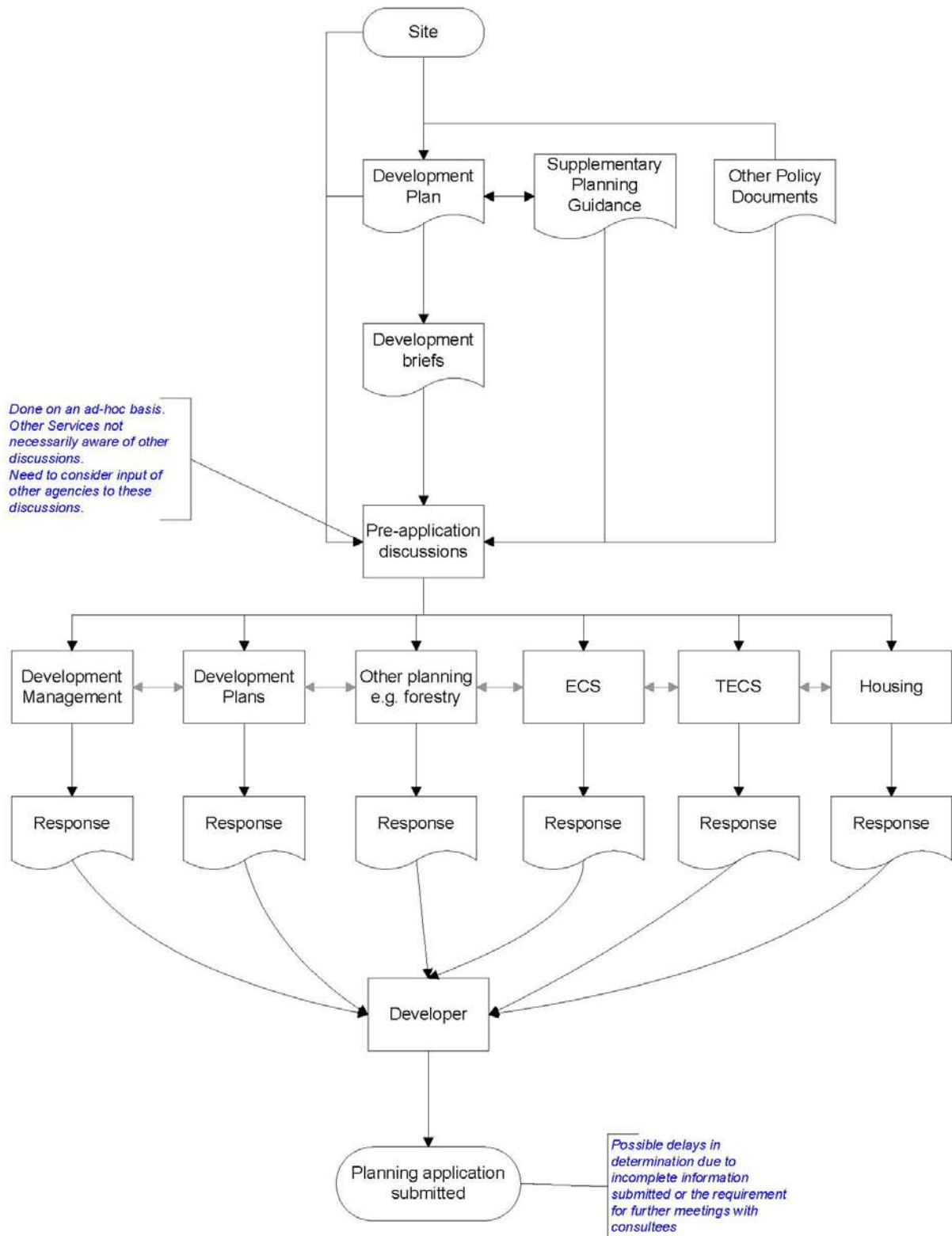
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Designation: Director of Planning & Development

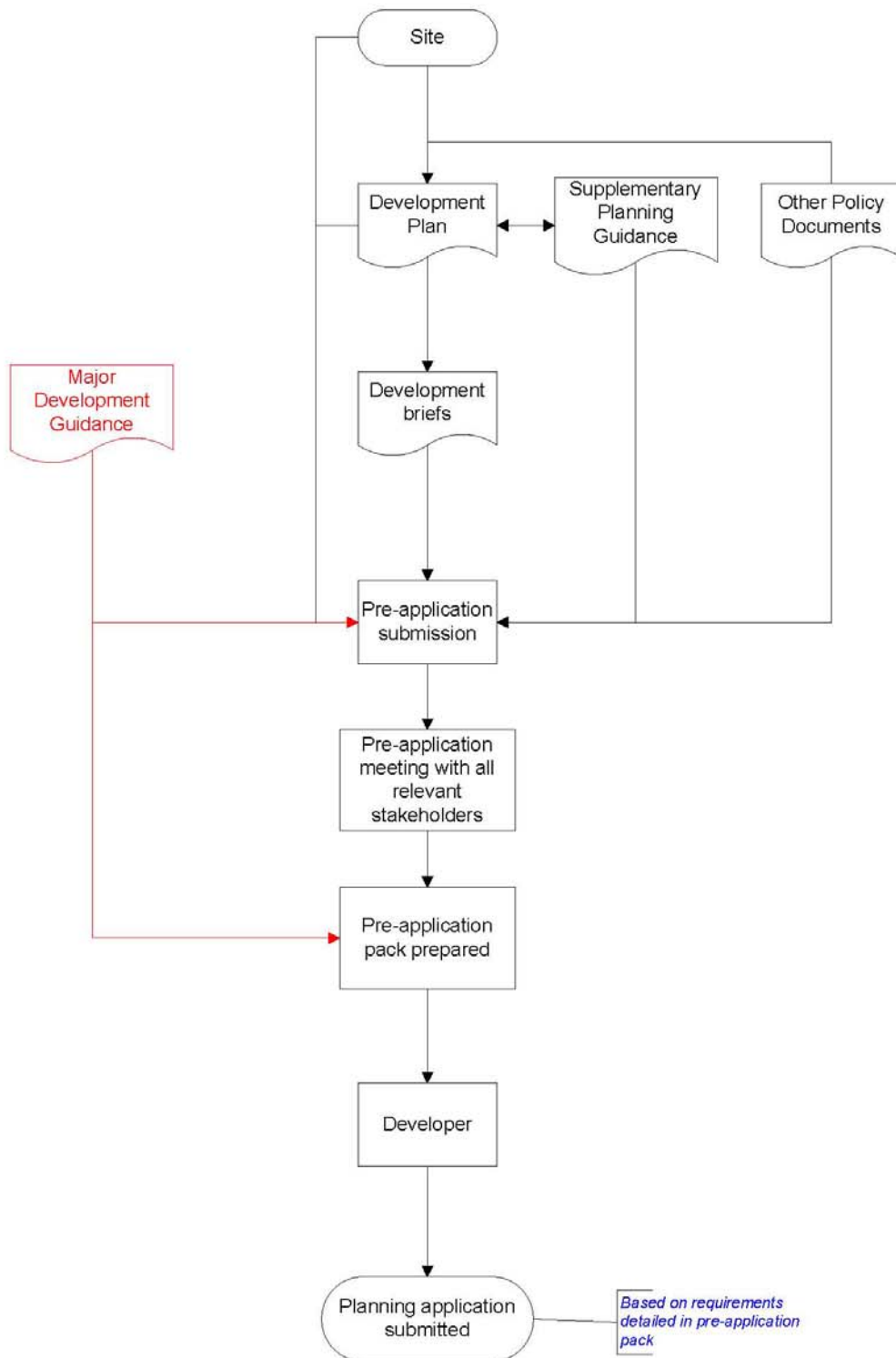
Date: 11 November 2008

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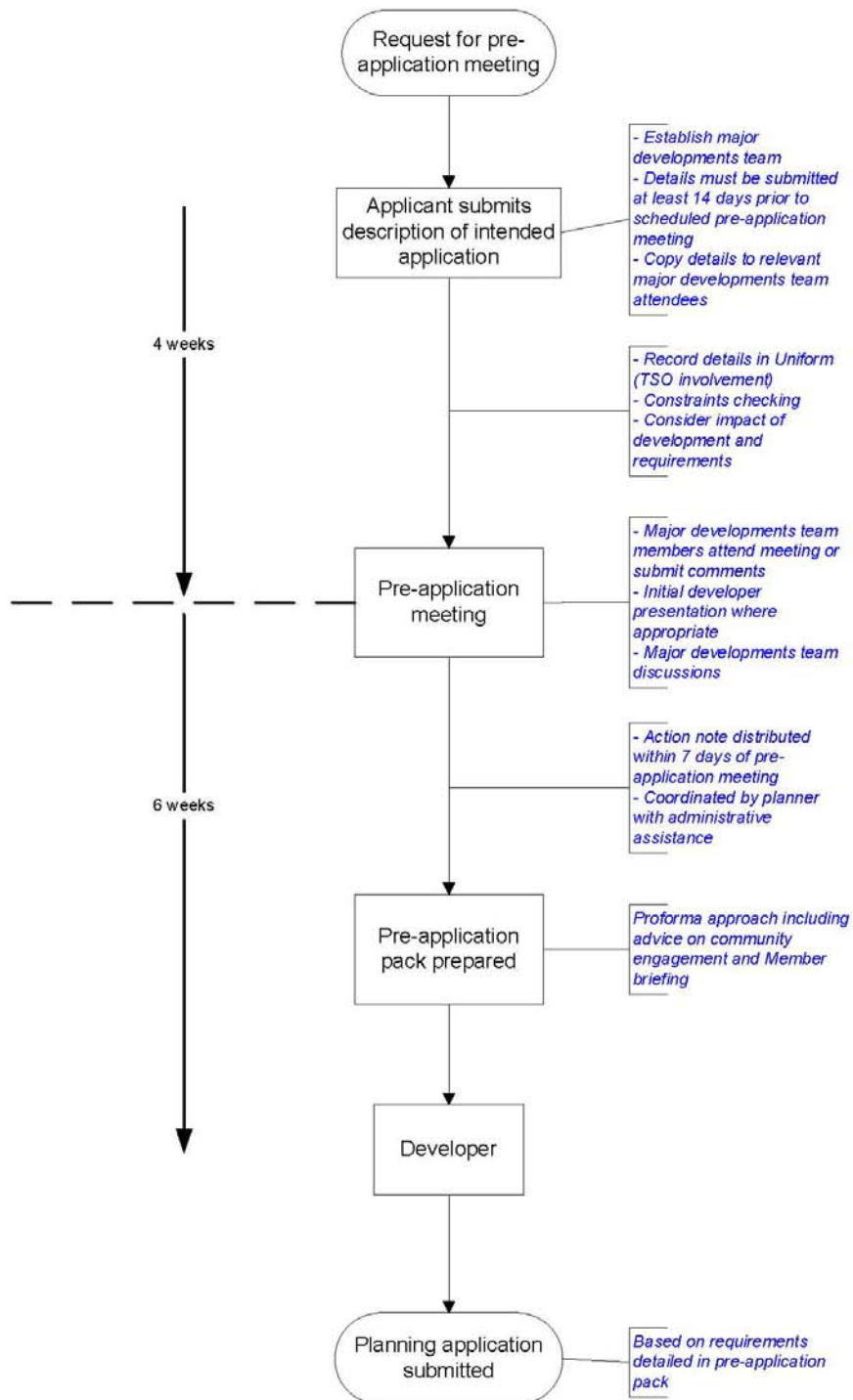
## As Is Processes



## To Be Processes



## Pre-Application Detail



## **MAJOR DEVELOPMENT GUIDANCE**

### **PURPOSE**

The Highland Council aims to create sustainable communities with more balanced population growth and economic development across the Highlands and to build a fairer and healthier Highlands.

To assist the delivery of these aims, and in line with the requirements of the Planning etc (Scotland) Act 2006, we have put in place new processes for dealing with major planning applications.

This guidance outlines the procedures The Highland Council will adopt to provide effective and early pre-application advice to developers in the Highland area.

### **PLANNING FOR MAJOR DEVELOPMENTS**

Major developments can be complex and involve a number of different Services across The Council. The Highland Council recognises the value of co-ordinated pre-application discussions for the more efficient handling of subsequent applications, and encourages developers and their agents to engage in this process for major development proposals.

Pre-application discussions help in providing early indications of the planning authority's view of a scheme. They can also clarify the necessary information requirements for subsequent applications, help improve the quality of development proposals, assist in providing certainty to developers, as well as saving time and money on working up proposals.

### **WHAT IS A MAJOR DEVELOPMENT?**

Regulations defining major developments will be issued by the Scottish Government in 2009. In the meantime however, we would particularly encourage those developers with proposals of the following types to engage with The Council as part of this pre-application procedure:

- Development of at least 50 houses;
- Business, industrial or retail schemes of more than 1,000 square metres;
- Significant wastewater treatment or water supply schemes;
- Wind energy projects;
- Minerals development; and
- Mixed use masterplanning projects.

This list is not exhaustive, and developers of other proposals may be invited to follow the approach outlined in this guidance.

## GETTING STARTED

As a developer, you are asked to submit a **pre-application meeting request**, containing details of your proposal for a major development.

A form, which can be found on The Highland Council's website [www.highland.gov.uk](http://www.highland.gov.uk), is available for this purpose. It outlines all the details we require to be able to consider your proposal properly. The more information that you are able to supply, the more comprehensive our response will be.

## WHAT HAPPENS NEXT?

A **major developments team** has been established in each of the three Council Corporate areas. It is made up of relevant officials from across The Highland Council and chaired by a senior member of staff from the Planning and Development Service. Each team will meet on a regular basis.

So, within four weeks of submitting your request for a **pre-application meeting** the relevant major developments team will get together to discuss your proposal. You may be asked to attend the meeting to present your proposal to the team.

## WHAT ADVICE CAN YOU EXPECT TO RECEIVE?

Within six weeks of the pre-application meeting, you will receive a **pre-application pack** outlining the key outcomes of our discussions about your proposal. This pack will contain an overview of:

<b>Principle and Policy</b>	The principle of development and the planning policy relating to the site.
<b>Constraints</b>	Details of constraints that we are aware of on the site.
<b>Design</b>	Comments on built form, scale, massing, views, patterns, historic context, views etc.
<b>Sustainability</b>	Fit with our "Designing for sustainability" guideline, including the need for a Sustainable Design Statement.
<b>Amenity</b>	Which properties may be affected and how, what further assessment is required, requirements in terms of noise studies, tree surveys etc.
<b>Transport</b>	Advice and comments on servicing, access, parking standards, cycle parking, public transport linkages and requirements for transport impact assessment etc.

<b>Public consultations</b>	Whether engaging in community consultation is advisable and who and how to consult in line with the requirements of Planning Advice Note 81 (Community Engagement).
<b>Financial contributions</b>	Possible contributions that may be necessary, taking into account Council policy and the potential impacts of the proposed development.
<b>Documentation or information requirements</b>	What you will need to submit with a subsequent application, possible timescales for processing of your application, Committee dates etc.

We will make it clear where we consider that modifications or amendments could make your proposal acceptable in principle, and equally, if the scheme is wholly unacceptable as it conflicts with policy or guidance. The advice will be endorsed by the Head of Planning and Building Standards.

This pre-application advice service is not compulsory and may not be appropriate in all situations. However, we actively encourage pre-application discussions for all major development proposals before submission of a planning application for formal consideration.

## **DEALING WITH SUBSEQUENT PLANNING APPLICATIONS**

Once you submit a planning application, we will continue to use a team approach in order to reach a decision. The case officer for the planning application will be the key link from you, as the applicant, back to the major developments team.

## **DISCLAIMER**

The Council will make every effort to ensure that the advice given in the pre-application process is as accurate as possible. However any advice given by Council officers for pre-application inquiries does not constitute a formal decision of The Council with regards to any planning application and, whilst it may be a material consideration, cannot be held to bind The Council in its validation or formal determination of a subsequent application.

If an application is subsequently submitted which fails to take on board advice given by officers, then The Council may refuse it without further discussion with the applicant or their agent.

There is a possibility that, under the Freedom of Information Act, The Council will be asked to provide information regarding inquiries for pre-application advice and copies of any advice provided or correspondence entered into. This information may only be withheld if its disclosure could prejudice commercial interests, inhibit the free and frank provision of advice or exchange of views during the planning process, or could prejudice the effective conduct of public affairs. Those seeking pre-application advice should provide a covering letter that sets out the reasons why, and for how long, any information relating to the case needs to remain confidential.

It will be for The Council to decide whether information can be treated as exempt from disclosure and it should be recognised that the thrust of the legislation is to make information accessible unless there is a pressing reason why not. Each case will be assessed on its merits. The passage of time may remove the need for exemption as information becomes less sensitive. Generally, notes and correspondence relating to pre-application discussions will not be treated as confidential, once a planning application has been submitted and the case is in the public domain.

## **MORE DETAILS**

For more information about the Major Development Guidance please contact:

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