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**REPORT TO: SPECIAL MEETING OF PLANNING AND REGULATORY SERVICES COMMITTEE ON 26 JUNE 2023**

**SUBJECT: VALIDATION REQUIREMENTS FOR THE DETERMINATION OF PLANNING APPLICATIONS AND OTHER CONSENTS**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 The Committee is asked to agree the revised standards of validation in the determination of planning applications following the adoption of National Planning Framework 4 (NPF) which now forms part of the statutory development plan.
- 1.2 This report is submitted to Committee in terms of Section III (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 agrees:**

- i) that, for the purposes of Development Management, validation requirements will be enhanced to meet the requirements of National Planning Framework 4;**
- ii) Moray's validation document for planning applications and other consents, attached at Appendix 1; and**
- iii) to hold a workshop with local agents/developers to inform how the enhanced validation requirements are to be used for Development Management purposes.**

**3. BACKGROUND**

- 3.1 On 5 December 2017, this Committee agreed that the recently published Heads of Planning Guidance note on the standards for the validation and determination of planning applications and other related consents was to be used for the purposes of Development Management as 'best practice' (para 7 of the minute refers).

- 3.2 Over the last five years the standards of submission for planning applications has improved considerably with specific reference to the submission of supporting information covering drainage and private water supply details.
- 3.3 With the introduction of (NPF4) and additional planning policy guidance to support both NPF4 and Moray Local Development Plan (MLDP) 2020 the requirements for applicants and agents are constantly increasing. The pre-application advice service is there to guide applicants and agents through the planning process, ensuring that the final proposals submitted are accompanied by the proportionate amount of supporting information required to undertake a competent assessment.
- 3.4 Delays can be encountered between validation and determination because of requests from internal and external consultees, which can be avoided enabling decisions to be issued more timeously. Often applicant's expectations are that planning decisions should be made instantly once the necessary supporting information has been submitted. This is not always possible due to other applications that have been submitted waiting determination that have been accompanied with the correct supporting information. This can cause frustration with applicants and developers and place unnecessary pressure on all officers involved in the determination process.
- 3.5 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 any planning application. This is once the application has been validated.

#### **4. MORAY'S VALIDATION STANDARDS**

- 4.1 Since the Heads of Planning Validation standards were adopted as best practice in 2017 planning policy and guidance has significantly changed. The MLDP 2020 and NPF4 have been adopted and now form part of the statutory development plan. This committee has also agreed various planning policy guidance to support these policies.
- 4.2 The Validation Standards (**Appendix 1**) is based partly on the Heads of Planning Validations Standards documents and has been adapted to include specific reference to Moray's guidance. Information regarding other regulations have also been updated and incorporated into the one document. It is critical for national, major and local applications to have the necessary and appropriately detailed supporting information to enable development proposals to be determined timeously. It is hoped that this guidance will assist in reducing the time that an application remains invalid and reducing the time taken for consultees to complete their consultation assessment.
- 4.3 Introducing a requirement for a Policy Compliance Statement to be submitted with major and local planning applications will require applicants/developers at an early stage to take account of the additional policy requirements whilst preparing their submissions.

- 4.4 Validation standards have to be checked prior to an application being registered and can be held invalid for a number of reasons such as an incorrect fee. We don't receive requests for pre-validation checks and this is an area that could be explored in future once the requirements and guidance associated with NPF have had time to become established.
- 4.5 A workshop is proposed to be held with local agents to help them prepare the necessary information to support their applications in areas where policy guidance is new. This will allow an opportunity for advice to be provided by officers on how the guidance is to be implemented.
- 4.6 The validations standards document will be kept updated and be the subject of an annual review to ensure that the information is updated when new guidance and regulations are introduced.

## **5. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Front loading planning applications with a high quality but proportionate set of supporting information will assist with 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 validation standards document is not used actively it will in turn have implications for planning performance in the determination of applications and consents.

**(e) Staffing Implications**

Existing staff resources would be utilised.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

No direct implications have been identified.

**(h) Consultations**

Depute Chief Executive (Economy, Environment & Finance), Head of Economic Growth and Development, Strategic Planning and Development Manager, Legal Services Manager, Lissa Rowan, Committee Services Officer, Principal Planning Officers, Senior Engineer (Transportation), Senior Engineer (Flood Risk Management),

Principal Accountant and the Equalities Officer have all been consulted and any comments incorporated into the report.

## **6. CONCLUSION**

- 6.1 For the purposes of Development Management, Moray's Validation Standards document for planning applications and other consents will be critical to ensure proportionate and quality supporting information is provided to comply with the policy requirements of NPF4, MLDP 2020 and associated planning policy guidance. By placing emphasis on the quality of information at the validation stage, this will support the raising of standards within the applications and consents assessment process.**

Author of Report: Beverly Smith, Development Management and Building Standards Manager

Background Papers: Appendix 1 – Validation Standards for planning applications and other consents

Ref: