



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
26 MARCH 2019**

**SUBJECT: VALIDATION OF PLANNING APPLICATIONS (SECOND PHASE)
& CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLANS**

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

1. REASON FOR REPORT

- 1.1 To inform the Committee of the progress implementing the Committee decision following the report to this Committee in December 2017 on National Standards for the validation and determination of planning applications and other related consents and how further improvements can be made. In addition work is proposed to streamline how Construction Environmental Management Plans (CEMP's) are to be covered by planning conditions and reduce duplication of information being requested by internal and external consultees.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to the functions of the Council as Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that the Committee agree to:

- i) validation checks on planning applications continuing to be more robust and that the requirements for validation be extended as set out in paragraph 5.3;**
- ii) note that average validation rates over the last 12 months on day one of receipt is 38% rising to 91% after 28 days (a slight increase from 2017);**
- iii) Officers holding a further workshop with local agents/developers with a focus on ensuring that the requirements set out in the recently adopted Supplementary Guidance for flooding and surface water are understood to assist with reducing average timescale for the determination of planning applications; and**

- iv) **note that officers are working with officers from Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), and Flood Risk Management (FRM) to coordinate the requirements for Construction Environmental Management Plans (CEMP's), streamlining resources and are looking to produce best practice guidance for use locally in the best interests of the environment, aiding developers working practices and reducing the need for multiple planning conditions.**

3. BACKGROUND

- 3.1 On 5 December 2017 this Committee agreed to the Heads of Planning Scotland guidance note on the national standards for the validation and determination of planning applications and other related consents in Scotland being used as best practice for Development Management purposes (paragraph 7 of the Minute refers).
- 3.2 This document has been on placed on Moray Council's website and validation checks have been more robust with a focus on requesting details of the following:
- Details of Private Water and Surface Water arrangements
 - Details of Access & Parking
 - Tree Surveys – where trees are identified to be removed or impacted upon
- 3.3 The majority of our smaller local agents and some larger developers have been supportive of this revised approach which has in turn assisted to frontload the application process by ensuring that the correct supporting information is available at the time neighbour notification is carried out rather than being provided only when requested by consultees or following a site visit.
- 3.4 Unfortunately some developers have requested that their applications are validated on submission without this information and as there is no statutory basis for holding applications this has been done where requested.
- 3.5 Validation rates have been monitored over the last 12 months and only 38% are made valid on the first attempt (mainly due to the fee not being paid), rising to 91% after 28 days. It would be reasonable to aspire to a target of 50% on the first attempt and 100% after 28 days.

4. PROPOSED EXTENSION OF VALIDATION REQUIREMENTS

- 4.1 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. By applying this same principle it is recommended that the following information be incorporated into the validation process and extend the requirements previously agreed:

- **A Planning Statement:** to include the following: description of existing/ lawful use, description of the proposed use, hours of operation, days of week to be operated, numbers of staff and or number of anticipated clients per day; any amplified music, odour extract details and any take-away element;
- **Topographical Survey and Cross Sections:** where site level changes are proposed and existing ground conditions are undulating;
- **Finished Floor Levels:** of proposed buildings/houses and gardens
- **Detailed Landscaping Proposals:** to include species type, mix, sizes and timescales for planting
- **Sustainable Drainage Proposals:** Drainage Statements and Drainage Impact assessments to comply with the recently adopted Supplementary Guidance on Flooding & Drainage

- 4.2 By providing this supporting information up front it will assist consultees and reduce the need to seek further information from the applicant during the assessment process as well as reducing the need for holding responses.
- 4.3 A follow up workshop with agents is also recommended to be arranged and will focus on the information requirements needed to comply with the recently adopted Supplementary Guidance on Flood Risk and Drainage Impact Assessment for New Developments. This will provide agents that were unable to attend the first workshop a further opportunity to engage with Development Management and consultees.

5. **CONSTRUCTIONAL ENVIRONMENTAL MANAGEMENT PLANS**

- 5.1 All major planning applications are subject to consultation with SEPA, SNH and FRM. It has become apparent that despite some information being submitted by applicants all three consultees are recommending that suspensive planning conditions be imposed that relate in some way to the provision of a Construction Environmental Management Plan (CEMP).
- 5.2 These conditions are extremely important and the reason they are imposed is to ensure an acceptable form of development to minimise impacts of construction upon the surrounding land, air and water environment, including protected and notable species/habitats and the amenity of neighbouring property.
- 5.3 As a number of these conditions have been imposed on recent major developments and subsequently discharged, this has highlighted that there has been significant overlap of information. This is extremely frustrating for the developer, their contractors and all parties involved. In addition it makes enforcing the plans difficult once approved. Following an annual liaison meeting with SEPA and discussion with SNH it has been agreed that time should be set aside to focus on this one issue. By working together we are looking to produce some local guidance and agreement that will streamline working practices whilst ensuring the environment is protected. Ultimately this should reduce the number of conditions being imposed and make discharging

and enforcing the plans simpler in future, saving resources for both internal and external consultees.

6. SUMMARY OF IMPLICATIONS

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

The Corporate Plan prioritises are to promote economic development and growth and maintain and promote Moray's landscape and biodiversity and work towards a financially stable Council that provides valued services to our Communities.

(b) Policy and Legal

Development Management Regulations 2013, Moray Local Development Plan 2015 and Adopted Supplementary Guidance.

(c) Financial implications

None from this report.

(d) Risk Implications

The risk of not having robust procedures in place for validation impacts on the overall quality of the submission and places an unnecessary burden on staff resources.

(e) Staffing Implications

Any additional workload would be utilised with existing staff resources.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager, Neal MacPherson (Principal Planning Officer, Development Management), Gary Templeton (Principal Planning Officer, Development Plans), the Transportation Manager, the Consultancy Manager, Environmental Health Manager, the Equal Opportunities Officer, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

- 7.1 For the purposes of validation, planning applications and other related consents will not be validated on the first attempt where the necessary information as set out in paragraphs 3.2 and 4.1 in agreement with the applicant/agent/developer has not been provided.**
- 7.2 Officers are to undertake work with SEPA, SNH and FRM to ensure the environment is protected during construction and to agree on standard planning conditions to be imposed along with local guidance to assist developers in their preparation.**

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

Background Papers:

Ref: