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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
29 JANUARY 2019**

**SUBJECT: ALIGNING PLANNING AND ROADS CONSTRUCTION CONSENT**

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

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of the outcome of the consultation exercise on the proposal to seek to align Planning Consent and Roads Construction Consent (RCC) in circumstances where the applicant/developer agrees to this approach and in all cases where the Council is the applicant/developer.
- 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 Committee:**

- (i) notes that no representations were received in relation to the consultation with agents/developers to align the design principles of Planning and RCC;**
- (ii) agrees that aligning the design principles of Planning and RCC should be promoted as best practice by Moray Council in circumstances where the applicant/developer agrees to this approach and signs a Processing Agreement;**
- (iii) agrees that existing procedures will be reviewed to enable the consenting processes to be aligned as proposed in the implementation plan in Appendix 1;**
- (iv) agrees not to waive the Pre-application costs associated with applications to assist developers with the additional upfront costs of aligning consents;**
- (v) agrees that regardless of an aligned process as set out above, the roads authority consultation response will state if insufficient detail is received to fix the street layout and enable a proper assessment of a planning application, and**
- (vi) instructs officers to arrange a training session for Members on Designing Streets, and the use of Street Engineering Reviews & Quality Audit as material planning considerations.**

### **3. BACKGROUND**

- 3.1 In January 2016 the Chief Planner wrote to all Heads of Planning to encourage all authorities to agree to align two separate consenting procedures Planning Consent (PC) and Roads Construction Consent (RCC), for housing developments. A framework was designed and tested which involved several local authorities and this demonstrated that by following this approach in practice it can help to achieve the following:
- To improve certainty for developers and applicants through earlier and more productive engagement; and
  - To provide consistency across local authorities by following a structured streamlined approach to processes, both before and during consideration of applications.
- 3.2 Aberdeenshire Council have introduced procedures for aligning consents and have highlighted this way of working in their Planning Performance Framework for 2016/17. The experiences of Aberdeenshire have been shared with Moray and these have been a useful insight into the benefits of aligning the design principles of the street layout in both planning and RCC processes at an early stage. This is a key area of alignment as the level of detail required for the RCC is unlikely to be available at the planning stage for the larger developments in Moray.
- 3.3 At its meeting on 19 June 2018 (para 10 of minute refers), this Committee agreed the principles of aligning planning and RCC to be the subject of consultation with developers and agents.

### **4. CONSULTATION RESPONSES**

- 4.1 The report and associated appendices were sent out to 100 developers/agents who planning and transportation have regular contact with for a consultation period of six weeks which finished on the 24 August 2018.
- 4.2 No representations have been received.

### **5. NEXT STEPS**

- 5.1 **Appendix 1** sets out an implementation plan to enable the two processes in terms of the detailed street design to be better aligned. The revised processes seek to reduce the delay and loss of design quality where, for example, detailed information is not available at the planning stage for Transportation engineers to undertake a Street Engineering Review (SER) during the planning process, without which there can be significant changes to the design at a later stage. A collaborative process of partnership and cooperation will be required from the outset between all parties.
- 5.2 To assist and encourage developers to align consents it is proposed to introduce a Design Workshop to run alongside the Pre-application process and will utilise existing staff resources. The current guidance and web site will be updated to reflect the new aligned ways of working and use case studies to demonstrate best practice.

- 5.3 A revised version of the Quality Audit , to be referred to as Quality 2 will also be reported to this Committee in March 2019 and is recommended to be a material consideration in the determination of planning applications. The Street Engineering Review (SER) is to be embedded into this process and will ensure that the street design will become fixed at a much earlier stage. The Moray Local Development Plan 2020 policies will also assist with the desire for the two processes to become more aligned.
- 5.4 As part of the revised procedures it is envisaged that the number of suspensive planning conditions relating to street layout that are currently imposed on a planning consent will be reduced. Again this will save both officer and developer resources post consent as well as reducing the potential for conflict and giving more certainty to the overall delivery of development.
- 5.5 Where a planning application does not have a sufficient level of detail to ‘fix’ the street layout, and initial discussions with the applicant indicate that this detail is unlikely to be received quickly there will be a response that there is insufficient detail to assess the application. This is in line with the planning policy position and the supplementary guidance provided by Designing Streets and the National Roads Development Guide. This level of detail is the minimum information that allows the Roads Authority to assess the transport implications of a planning application. Working round an absence of this information through the use of suspensive conditions (as has been practice in a number of applications in recent years) creates additional work for the Council as both Planning and Roads Authority, imports additional time into the process, and creates confusion and uncertainty – especially when dealing with linked processes such as Roads Construction Consent.
- 5.6 It will be important through the review of case studies over the next two years that lessons learnt are recorded and used to inform operational practices with the objective of aligning processes whilst saving resources for both the council and developers at the same time.

## **6. SUMMARY OF IMPLICATIONS**

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

The planning system plays an important role in supporting the delivery of the Council’s aspirations for economic development, as well as providing land for private and affordable housing, safeguarding the environment and promoting opportunities for health. The changing planning system has a greater emphasis upon delivery, more engagement, quality outcomes and co-ordination of infrastructure to support development, which all support Moray 2026.

**(b) Policy and Legal**

Development Management Regulations 2013 for dealing with planning applications. Section 21 of the Roads (Scotland) Act 1984. Moray Local Development Plan 2015.

**(c) Financial implications**

There will be no financial implications incurred through the contents of this report except for developers who will need to produce more detailed information in drawings at an earlier stage.

**(d) Risk Implications**

The risks of not aligning the design principles of consents may result in the integrity of the planning system being impacted upon along with delays to developments, which may have an adverse economic impact.

**(e) Staffing Implications**

No staffing implications are currently proposed as a result of this proposed aligning of procedures.

**(f) Property**

There are no property implications incurred through the contents of this report.

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

There are no equalities implications incurred through the contents of this report.

**(h) Consultations**

The Corporate Director (Economic Development, Planning and Infrastructure), the Head of Development Services, the Head of Direct Services, the Head of Housing and Property, the Legal Services Manager (Property and Contracts), Educational Resources Manager, Paul Connor (Principal Accountant), Lissa Rowan (Committee Services Officer), the Design Manager, the Housing Strategy & Development Manager, the Senior Engineer Transport Development, Gary Templeton (Principal Planning Officer), Neal MacPherson (Principal Planning Officer), the Consultancy Manager, the Building Standards Manager and the Equalities Officer have been consulted and their comments taken into consideration in this report.

**7. CONCLUSION**

**7.1 Designing Streets is Scotland's policy statement on street design and highlights the importance of Planning Consents and RCC being more aligned. Aligning the design principles of Planning and RCC should be promoted as best practice in Moray and procedures and processes will be improved as a result.**

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Background Papers: Appendix 1 – Implementation Plan