

PLANNING PROCESSING AGREEMENTS

A processing agreement is an agreed framework for processing an application. It ensures that the planning process is project managed in a clear way. The advantages of a processing agreement are that it can offer:

- Greater transparency for all involved in the process about how decisions are made
- Greater certainty over the timing of key stages
- Clarity about information requirements early in the process, helping early identification of the main constraints
- Clearer lines of communication
- Earlier involvement of key stakeholders such as consultees.

What applications are suitable?

Although pre-application discussions can take place for any type of application, it is likely that a Processing Agreement will be used for national or major applications, or particularly complex applications which do not fall into those categories but which need detailed project management. They can cover applications for planning permission, planning permission in principle and approvals of matters secured by conditions.

When can a Processing Agreement be set up?

Once preliminary contact has been made by the developer, and initial discussions have taken place, it will become clear whether a formal Processing Agreement will be useful. A developer can request this at any point. Ideally a Processing Agreement will be drawn up early in the process at pre-application stage so that both the developers and the planning authority and consultees are clear about what will be expected. This helps to front load the process which will result in a more efficient processing of the application.

What is included in a Processing Agreement?

A Processing Agreement is a project management technique, not a complex legal contract. It can be changed as the process goes on, with the agreement of the main parties. It is a live document which is kept under review and can be altered as time goes on with the agreement of the main parties. This helps to accommodate circumstances which may not have been foreseen at the outset.

The main aim is to establish realistic timescales for processing. The agreement will therefore set out:

- The process required to determine the application.
- The responsibilities of the main parties, including planning authority, applicant and statutory consultees, in delivering this determination.
- The information required to determine the application. This should be decided after preliminary consultation with the statutory consultees.
- The main stages and timetable for the project, including pre-application stage, post-application stage and post-decision stage, if appropriate. The need for any legal agreements (for example for developer contributions) should also be highlighted.
- If it is agreed early on that the process will take longer than the statutory period to determine, this should be recorded in the agreement. (In this case it will not be possible to appeal against non-determination in advance of the agreed timescale).

NB If the timescales in the agreement are not met, these timescales will need to be renegotiated. All parties should ensure that they are realistically in a position to meet timescales before these are agreed.

What is the first step?

Early contact with the planning authority is encouraged, especially before a Proposal of Application notice is submitted for a major application. A developer should contact the Group Manager (see below) to discuss whether a processing agreement will be appropriate.

Where a Processing Agreement is to be set up, a project team will be established by the DM officer, with input from relevant officers from other Services within the Council and external consultees, as appropriate. The applicant will also be expected to appoint suitable professional consultants with the appropriate level of expertise to be able to deliver the information required within the agreed timescales.

After discussion a draft Processing Agreement will be produced by the planning authority. Once this is agreed, the applicant and planning authority will sign the agreement.

It is important to note that although officers will express their own professional opinions to provide guidance for the applicant, this will not bind officers to a final recommendation, and will not prejudice the outcome of a formal planning application.

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