

Processing Agreements

Delivering planning reforms in Fife

Fife Council promotes early and open negotiations between prospective applicants and developers, planning authorities, and other parties, such as consultees in advance of a formal application for national and major developments.

Processing Agreements are not a statutory requirement but *Circular 4/2009 Development Management Procedures* provides guidance on the preparation, form and content of Processing Agreements.

What is a Processing Agreement? (PA)

A PA is an agreed framework for processing an application or related group of planning applications. It is expected by the Scottish Government that planning authorities and statutory consultees should respond positively to requests for PAs, associated with major or national developments.

What does a PA offer?

PA's can offer:

- Greater transparency in decision making for all parties involved in the process.
- Greater predictability and certainty over the timing of key stages.
- Effective project management with a focus on delivery.
- More transparency in decision making for all parties involved in the process.
- Clarity about information requirements early in the process.
- Clearer lines of communication.
- More effective and earlier engagement of key stakeholders.

Fife Council wants to promote the effective use of Processing Agreements which should incorporate the following 5 key elements as a minimum:

1. Roles and Responsibilities

The PA should clearly set out the roles and responsibilities of all parties, including Fife Council as the Planning Authority, the applicant and/or agent and statutory consultees, in delivering the determination of the development proposal and an agreed schedule/timetable.

2. Information Requirements

Parties should agree in advance, taking into account comments from statutory consultees and the additional information beyond the legal validation requirements needed to determine the application. Agencies will have to ensure that the level of information they require of the applicant is clear and proportionate. This information should be listed in the agreement to offer applicants certainty about what they need to provide and to aid the efficient processing of the application by the Planning Authority.

3. Decision making framework

The agreement may set out the management process and forum for decision-making. This could involve a project team which can agree direction and sign off completed tasks, related working groups or task groups, clarifying whether and when the application will be determined under delegated powers or by Elected Members at Committee, and identifying key Committee dates.

4. Project Plan/Key Milestones

A project plan should be included in setting out the realistic overall timetable for handling the application and the key stages or milestones within. Timescales for individual stages could also be included and the views of the statutory consultees should inform the setting of timescales. Milestones would provide the basis for monitoring progress. Review stages may also be built into the project plan. All timescales and milestones should be realistic and achievable.

5. Timescales

Where the parties agree that the proposal will take longer than the statutory period to decide, they can agree to extend the determination period as is currently the case. It would not be possible to appeal against non - determination in advance of that agreed timescale.

This is a matter of good practice and can be by way of an exchange of letters between Fife Council and the applicant/agent.

A Processing Agreement is very much a 'live' document constantly kept under review and altered to suit changing circumstances, on an agreed basis.

6. Decision Process

A Processing Agreement does not guarantee the grant of a planning permission. The application will still be considered on its merits, and against the terms of the development plan and other material considerations.

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