



**INFRASTRUCTURE SERVICES
PLANNING & TRANSPORT DIVISION**

DEVELOPMENT MANAGEMENT
- **Pre-application Consultations with Communities**

April 2009

PRE- APPLICATION CONSULTATION WITH COMMUNITIES

Introduction

The Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008 and the relevant provisions of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 set out statutory requirements for pre-application consultation (PAC) between prospective applicants and communities.

The purpose of PAC is to improve the quality of applications, mitigate negative impacts where possible, address misunderstandings, and air and deal with any community issues that can be tackled.

The requirements ensure that communities are made aware of and have an opportunity to comment on, certain types of development proposals before a planning application has been made. The requirements provide an opportunity for community views to be reflected early in the planning process.

Classes of Development

All national and major developments require PAC between developers and communities. The types of development to be treated as major are defined in the (draft) Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. There is no statutory requirement for consultation between developers and communities for the types of development not falling into these categories.

Screening

In most instances it will be clear from the Regulations whether PAC is required however where there is uncertainty a pre-application screening notice can be submitted to Angus Council's to obtain a view whether a proposal requires PAC.

A pre-application screening notice must include:-

- (a) a description in general terms of the development to be carried out;*
- (b) if the site at which the development is to be carried out has a postal address, that address;*
- (c) a plan showing the outline of the site at which the development is to be carried out and sufficient to identify the site;*
- (d) detail as to how the prospective applicant may be contacted and corresponded with;*
- (e) a statement as to whether a screening opinion or screening direction has previously been issued on the need for EIA in respect of the development.*

Following submission of the notice further information may be requested where necessary in order to provide a statement as to whether the proposal is in a class categorised as requiring PAC.

Angus Council are obliged to decline to determine any application submitted where PAC should have been carried out and was not, except where a screening opinion that no PAC was required has been issued within 12 months from the date of the notice.

Proposal of Application Notice

Where PAC is required prospective applicants must submit a proposal of application notice to Angus Council at least 12 weeks prior to the submission of an application for planning permission. Only once statutory consultation requirements and any additional requirements as specified by Angus Council have been carried out can an applicant submit an application for a major or national development. The notice will be placed on the list of applications maintained by Angus Council.

Content of Proposal of Application Notice

A proposal of application notice must include:-

- (a) a description in general terms of the development to be carried out including an outline of the proposal's characteristics and identification of its class;*
- (b) if the site at which the development is to be carried out has a postal address, that address;*
- (c) a plan showing the outline of the site at which the development is to be carried out and sufficient to identify the site;*
- (d) detail as to how the prospective applicant may be contacted and corresponded with; and*
- (e) an account of what consultation prospective applicants propose to undertake, when such consultation is to take place, with whom and what form it will take.*

Response to Proposal of Application Notice

Prospective applicants must indicate in the proposal of application notice what consultation they will undertake and Angus Council will respond to the notice specifying either that:-

- (a) the proposed consultation should be undertaken; or*
- (b) what additional notification and consultation must be carried out.*

In determining whether any additional notification or consultation is required Angus Council is obliged to consider the nature, extent and location of the proposed development and the likely effects of the development at and in the vicinity of that location. Prospective applicants can find further advice on planning community engagement activity in Planning Advice Note 81 : *Community Engagement – Planning With People*. Prospective applicants can also contact Angus Council to obtain available information on consultees.

Where Angus Council do not respond to the proposal of application notice within 21 days, only the statutory minimum PAC activities will be required although prospective applicants must still fulfill any activities proposed in the proposal of application notice.

Statutory Minimum Consultation Activity

Consultation with Community Councils

Prospective applicants must consult every Community Council any part of whose area is within or adjoins the land where the proposed development is situated. The prospective applicant must also provide the relevant Community Councils with the proposal of application notice. Relevant contact details for Community Councils can be obtained from Angus Council.

Public Event

At least one public event requires to be held for members of the public where they can make comments to the prospective applicant on their proposals. The event can be in the format detailed within the proposal of application notice or as prescribed in any response by the Planning Authority to the proposal of application notice as appropriate.

Prospective applicants should ensure that processes are put in place that will allow members of the community to participate meaningfully in any public event. The event should be reasonably accessible to the public, including disabled people and it may be appropriate for “the” event to take place over a number of dates, times and places.

Advertisement

This ‘public event’ must be advertised by the prospective applicant at least seven days in advance in the local newspaper to enable members of Community Councils and other members of the public to arrange to attend the event. Prospective applicants should also ensure that individuals and community groups can submit written comments in response to the newspaper advertisement.

Content of advertisement:-

The advertisement must include:-

- *a description of, and the location of, the proposed development;*
- *details as to where further information may be obtained concerning the proposed development;*
- *the date and place of the public event;*
- *a statement explaining how, and by when, persons wishing to make comments to the prospective applicant relating to the proposal may do so; and*
- *a statement that comments made to the prospective applicant are not representations to the planning authority. If the prospective applicant submits an application there will be an opportunity to make representations on that application to the planning authority.*

Pre-Application Consultation (PAC) Reports

Content

Prospective applicants must prepare a written PAC report detailing what has been done during the pre-application phase to accompany the planning application when submitted. The purpose of the PAC Report is to confirm that PAC has taken place in line with statutory minimum requirements and any further requirements set by Angus Council in the response to the proposal of application notice

The report should:-

- *specify who has been consulted;*
- *set out what steps were taken to comply with the statutory requirements and those of the planning authority.*

- *set out how the applicant has responded to comments and the extent to which the proposals have changed as a result of PAC.*

References/Other Guidance

The Planning etc. (Scotland) Act 2006

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Draft Circular : Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

The (draft) Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

The National Planning Framework

Planning Advice Note 81 : Community Engagement – Planning With People.