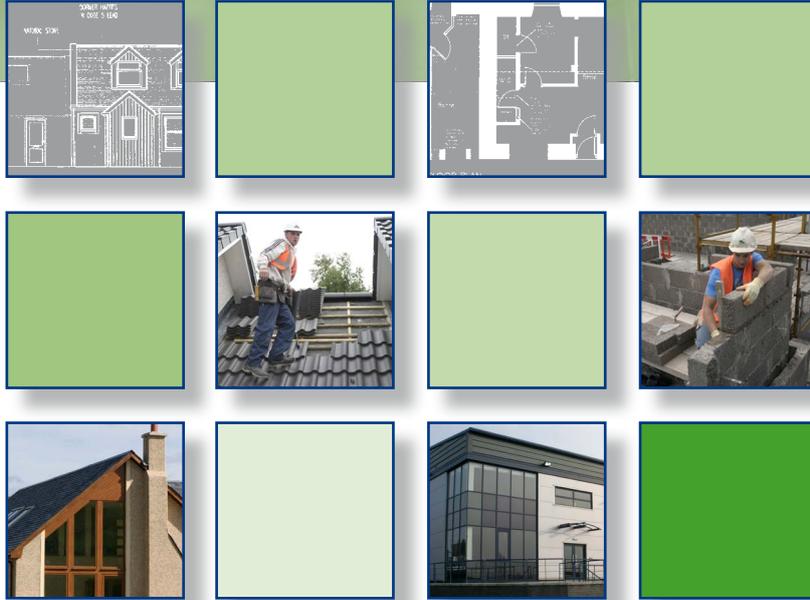
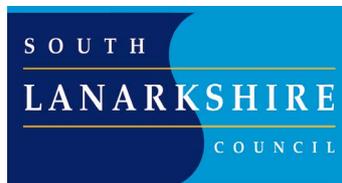


# Planning and Building Standards Services **GUIDANCE**



## **PAC** Pre-Application Consultation

April 2017



Enterprise Resources

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## Introduction

The Planning etc (Scotland) Act 2006 introduced a hierarchy of developments to ensure that applications are dealt with in a way appropriate to their scale and complexity. The legislation splits development proposals into 3 categories:

- 1 National development
- 2 Major development
- 3 Local development

Applicants for all national and major developments must undertake public consultation prior to the submission of a planning application (pre-application consultation, (PAC)). This does not apply to section 42 applications relating to national or major developments (ie applications to change conditions on an existing permission). This is to ensure that communities are made aware of and have an opportunity to comment on proposals before an application is made. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 make it clear that a PAC exercise is developer led and its purpose is to allow the developer to engage with the community on their proposed development.

The purpose of this leaflet is to set out guidance on how the Council will treat PAC to ensure that a consistent approach is taken throughout the Council's area.

## Pre-application screening notice

The submission of a pre-application screening notice is optional, and is for instances where the applicant is uncertain whether their proposal falls into the category of national or major development. Definitions of major developments are set out in the table overleaf.

A 'pre-application screening notice' is available to applicants to submit to the Council. The applicant must provide the following information in the notice:

- (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 that site.
- (d) Details as to how the prospective applicant may be contacted and corresponded with.
- (e) A statement as to whether or not the planning authority have adopted an Environmental Impact Assessment screening opinion or the Scottish Ministers have made a screening direction in respect of the development to which the notice relates.

A statement will then be issued by the Council within 21 days, advising whether PAC will be required, provided sufficient information is submitted with the notice. This statement will be valid for 12 months on the basis that details of the proposal do not materially change.

# Definitions of developments

## Planning etc (Scotland) Act 2006 Definitions of developments

### Major developments

Description of development	Threshold or criterion
<b>1. Schedule 1 development</b>	
Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations).	All development.
<b>2. Housing</b>	
Construction of buildings, structures or erections for use as residential accommodation.	(a) The development comprises 50 or more dwellings; or (b) The area of the site is or exceeds 2 hectares.
<b>3. Business &amp; General Industry, Storage and Distribution</b>	
Construction of a building, structure or other erection for use for any of the following purposes:  (a) as an office;  (b) for research and development of products or processes;  (c) for any industrial process; or  (d) for use for storage or as a distribution centre.	(a) The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or  (b) The area of the site is or exceeds 2 hectares.
<b>4. Electricity Generation</b>	
Construction of an electricity generating station.	The capacity of the generating station is or exceeds 20 megawatts.
<b>5. Waste Management Facilities</b>	
Construction of facilities for use for the purpose of waste management or disposal.	The capacity of the facility is or exceeds 25,000 tonnes per annum.  In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.
<b>6. Transport and Infrastructure Projects</b>	
Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines	The length of the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres.
<b>7. Fish Farming</b>	
The placing or assembly of equipment for the purpose of fish farming within the meaning of section 26(6) of the Act.	The surface area of water covered is or exceeds 2 hectares.
<b>8. Minerals</b>	
Extraction of minerals.	The area of the site is or exceeds 2 hectares.
<b>9. Other Development</b>	
Any development not falling wholly within any single class of development described in paragraphs 1 to 8 above.	(a) The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or  (b) The area of the site is or exceeds 2 hectares.

### Local developments

All developments other than national developments and major developments belong to the category of local developments

## Proposal of application notice

If PAC is required, applicants must submit a 'proposal of application notice' **at least 12 weeks** prior to the submission of the planning application. A 'proposal of application notice' is available to applicants to submit to the Council. The applicant must provide the following information in the notice:

- (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 that site.
- (d) Details as to how the prospective applicant may be contacted and corresponded with.
- (e) An account of what consultation the applicant intends to undertake, when such consultation is to take place, with whom and what form it will take.

The Council will respond to the notice within 21 days advising whether any additional consultation is required.

In formulating consultation proposals and submitting a 'proposal of application notice', consideration should be given to the following matters:

### Minimum statutory requirements

- Consult every community council whose area is within or adjoins the land where the proposed development is situated.
- Hold at least one public event which must be advertised in the local press at least 7 days in advance. The advert should make it clear that individuals and community groups who submit written comments in response to the proposed application are comments to the applicant/agent and are **not representations** to the Council.

### Additional Council requirements

- The location of the event must relate to the location of the proposed development and be readily accessible (including disabled access).
- The event should run from mid afternoon to early evening and should seek to avoid clashing with other public events and/or occasions that may limit turn out (e.g. public holidays, sporting events).
- Consideration should be given, dependent on the location, scale and nature of the proposal, to extending the event over 1-3 days.
- Consideration should also be given to inviting other interested bodies such as residents' associations.
- It would be expected that the public event would be held within 2-4 weeks after the Council has responded to the 'proposal of application notice'. This is to ensure that adequate time is given between the close of the public event and submission of the planning application to allow for the proper consideration of comments and, if appropriate, to make any necessary changes to the proposed development. Also, a timescale of not less than 21 days from the close of the event should be included in the advert for the submission of comments.

- Material used at the event should be presented in a manner which is readily accessible to the public, including the following:
  - The purpose of the event.
  - Illustrative material (text, drawings, photographs, models) setting out the nature of the proposal and context within which it is located.
  - Impacts of the development - positive and negative.
  - How these impacts have been assessed and measures to address them.
  - How comments can be submitted – either at the event or other means (e.g. electronically – web page) and to who.
  - What will happen to the comments.
  - What happens next and timescales.
- The event must be staffed at all times by the applicant and/or members of the development team.
- The event should be open and accessible to all members of the public and held in a manner which will encourage all to comment.

If the Council do not respond to the 'proposal of application notice' within 21 days, only the statutory minimum pre-application consultation activities will be required, although prospective applicants must still carry out any activities proposed in the 'proposal of application notice'.

## Pre-application consultation report

A PAC report requires to be submitted with the planning application to allow the Council to assess whether the consultation has complied with the minimum requirements and/or in line with any further requirements set by the Council in response to the proposal of application notice.

The PAC report should include the following:

- Specify who has been consulted.
- Set out what steps were taken to comply with the minimum statutory requirements and any additional consultation required by the Council.
- Copies of the advertisements.
- Details of material made available at the event.
- Set out what issues were raised and what consideration has been given to them.
- Describe to what extent (if any), the proposal has changed as a result of the PAC.

## Council's role in pre-application consultation

It is recognised that there may be an expectation that Councillors and Council officials become involved in a PAC event. However, as this is a developer-led event, the role for the Council is limited to observation. This ensures that the Council remains impartial and does not prejudice the decision-making process. Therefore it is the Council's expectation that it will not be directly involved in a PAC event.

**Please note that if a major application is submitted to the Council on or after 3rd August 2009 without pre-application consultation having taken place and a PAC report is not included with the application, then the application will be returned to the applicant.**

## Contacts

Further advice on PAC can be obtained from the Planning and Economic Development office:

### Planning and Economic Development

**Montrose House,  
154 Montrose Crescent,  
Hamilton,  
ML3 6LB  
Phone: 0303 123 1015  
email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)**

Contact details for **community councils** can be obtained from the Community Council Liaison Officer on **0303 123 1015** or email [info@southlanarkshire.gov.uk](mailto:info@southlanarkshire.gov.uk)

Details of **local newspapers** can be obtained from Corporate Communications and Public Affairs on 01698 454747 or email [advertising@southlanarkshire.gov.uk](mailto:advertising@southlanarkshire.gov.uk)

