



Falkirk Council
Development Services



Pre-application Consultation Process Pack

The Planning etc (Scotland) Act 2006* sets out a framework for modernising the planning system in order to make it more inclusive and efficient. Information on the Act is available on the Scottish Government website at

www.scotland.gov.uk/Topics/Built-Environment/planning/modernising.

The revised legislation splits development proposals into 3 categories: **national**, **major** and **local**. Applicants for all national and major developments must undertake public consultation **prior** to the submission of a planning application. This is to ensure that communities are made aware of, and have an opportunity to comment on, such proposals before an application is made.

All applications for national or major development submitted on or after 3rd August 2009 must comply with the Pre-Application Consultation (PAC) process outlined here.

Note: Pre-Application Consultation does not replace the opportunity, or remove the need, for communities and individuals to make formal comments on proposals during the planning application process.

This pack contains the following:

Guidance on:

- ✦ New Hierarchy of Development
- ✦ Pre-application Screening Notice
- ✦ Proposal of Application Notice
- ✦ Pre-application Consultation Report
- ✦ Pre-application Process
- ✦ Major Application definition checklist

Pre-Application Screening Notice

Proposal of Application Notice

Please return Notices to:

Falkirk Council
Development Services
Development Management
Abbotsford House
Davids Loan
Falkirk Council
FK2 7YZ

This pack is also available online at www.falkirk.gov.uk

* Town and Country Planning (Scotland) Act 1997 Section 35(A) and (B) as inserted by the Planning Etc. (Scotland) Act 2006



Pre –Application Process - Notes for Guidance

New Hierarchy of Development

The National Planning Framework (NPF) specifies national developments, such as the replacement Forth crossing and strategic airport enhancement works, whilst the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 specify major developments.

National Developments

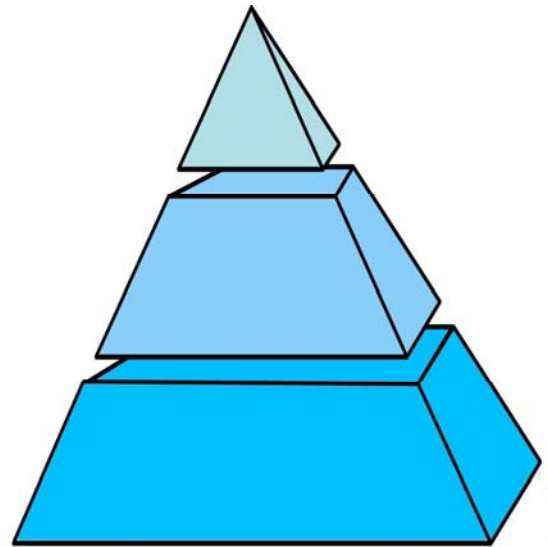
As defined in the NPF

Major Developments

As included in the Schedule of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009

Local Developments

All development which is neither National or Major as defined in Reg2(2) of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009



Screening Notice

The submission of a Pre-Application Screening Notice is optional. It is for instances where the applicant is uncertain whether their proposal falls into one of the types of development categorised as either national or major.

A Pre-Application Screening Notice can be submitted to the planning authority detailing the site and proposed development. A statement will then be issued by the planning authority advising whether PAC will be required.

The information submitted should enable the planning authority to determine whether PAC is necessary. The planning authority has 21 days to respond to the notice and advise whether the proposal requires PAC. A Statement issued by the planning authority that states PAC is not necessary is valid for a period of 12 months.

The Pre-Application Screening Notice must contain:

- ✦ A description of the development to be carried out
- ✦ If the site has a postal address, that address
- ✦ A plan showing the outline of the site at which the development is to be carried out
- ✦ Contact/correspondence details for the prospective applicant and agent
- ✦ A statement as to whether a screening opinion or direction has previously been issued on the need for EIA in respect of the development
- ✦ Details of any previous PACs



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The planning authority can request further information where necessary. The issuing of a Statement would be delayed in such instances. Therefore, the notice should be completed in full with any additional information attached to enable the planning authority to form a view on the proposal and the requirement for PAC.

Proposal of Application Notice

If pre-application consultation is required applicants must submit a Proposal of Application Notice at least 12 weeks prior to the submission of the planning application.

The Notice must detail the consultation process the applicant will undertake including when, how and with whom. The planning authority will respond to the notice within 21 days stating whether the proposed consultation is sufficient or whether any additional consultation is required.

The Notice should include:

- ✦ A description of the development to be carried out
- ✦ If the site has a postal address, that address
- ✦ A plan showing the outline of the site at which the development is to be carried out
- ✦ Contact/correspondence details for the prospective applicant and agent
- ✦ An account of what consultation the prospective applicant proposes to undertake

Consultation with communities can begin when the Proposal of Application Notice is submitted, although further consultation may be requested by the planning authority.

Who should be consulted and how?

The prospective applicant is required to indicate in the Notice what consultation will be undertaken.

The statutory minimum requirements are:

- ✦ The applicant must consult every community council whose area is within or adjoins the application site.
- ✦ The consultation must include at least one public event where members of the public may make comments to the prospective applicant on the development - details of the proposal and consultation must be published in a local newspaper at least 7 days prior to the event being held.

The public event advertisement must include the location and description of development, details as to where further information can be obtained, date and place of the event, a statement explaining how and by when persons wishing to make comment 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.



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The planning authority may, within 21 days of receiving the Proposal of Application Notice, notify the prospective applicant of any other persons they consider must also receive a copy of the Notice and of any other consultation that must be undertaken, including its form.

Consultations must be carried out in a manner that provides genuine opportunities for members of the public to engage with applicants. For example, the timing and location of events should be considerate of the lifestyles and commitments of all members of the local community.

Outcome

The consultation should be a meaningful engagement with those who can represent the community's views, and should offer the opportunity to mitigate negative impacts and misunderstandings and deal with community issues that can be addressed.

The applicant must submit a Pre-Application Consultation Report with the planning application detailing the consultation undertaken and any changes made to the proposal as a result.

Pre-Application Consultation Report

The purpose of the PAC report is to confirm that PAC has taken place in line with statutory minimum requirements and/or in line with any further requirements set by the planning authority in their 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

It is advisable that the report also includes:

- ✦ Copies of advertisements of the public events
- ✦ Reference to material made available at such events

The report should also set out how the applicant has responded to comments made, including if, and to what extent, the proposals may have changed as a result of PAC. The report must accompany the planning application when submitted and the authority is required to include it on part 1 of the planning register along with the application, plans and drawings. The report is to be made in writing and can be submitted electronically.

Please note that if a national or major application is submitted to the planning authority on or after 3rd August 2009 without Pre-Application Consultation the application will be returned to the applicant.



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Pre-Application Process

	Applicant	Planning Authority	Public
Pre-Application Screening	If unsure whether pre-application consultation is required, submit pre-application screening notice to planning authority	Respond to notice within 21 days. (Determination or request for further info)	
Pre-Application Consultation	If PAC required submit Proposal of Application Notice to the planning authority and begin consultation.	Respond to notice within 21 days, stating whether proposed consultation is acceptable, and detailing any further consultation required.* (*Requests must be reasonable and specific)	Respond to applicant with views/opinions on the proposed development.
Planning Application	Submit planning application, including pre-application consultation report. (minimum of 12 weeks from planning authority receipt of Proposal of Application Notice)	Assess the application and recommend a decision.	Submit formal representations on the application to Planning (21 day window from application validation date, expiry date of any advert or neighbour notification)



Major Application Definitions

Development Description		Major Development:
Schedule 1 Development	Development of a description mentioned in Schedule 1 of the EIA (Scotland) Regulations 1999.	All Development.
Housing	Buildings or structures for residential use.	More than 49 dwellings or Site area is greater than 2 hectares..
Business & General Industrial Uses	Buildings or structures for use as Office Space, for Research & Development, for Industrial Process or for Storage or Distribution.	Gross floorspace of 10,000 m ² or Site area is greater than 2 hectares..
Electricity Generation	Construction of electricity generating facility.	Capacity of 20 megawatts or more.
Waste Management Facilities	Construction of facilities for waste management or disposal.	Facility capacity of 25,000 tonnes per annum or more or If sludge treatment facility, capacity of 50 tonnes (wet weight) per day or more.
Transport & Infrastructure Works	Construction of new/replacement roads, railways, tramways, waterways, aqueducts or pipelines.	Length of road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres.
Fish Farming	The placing or assembly of equipment for the purpose of fish farming. **	Surface area of water covered is greater than 2 hectares.
Minerals	Extraction of minerals.	Site area is greater than 2 hectares.
Other Development	Any development not falling wholly within any single class of development listed above.	Gross floorspace of 5,000 m ² or Site area is greater than 2 hectares..

* other than exempt development within the meaning of the regulations.

** within meaning of section 26(6) of the Town and Country Planning (Scotland Act 1997.