

Introduction

New regulations mean that communities will be able to comment on certain types of development proposals **before** a formal planning application is made. This is known as a pre-application consultation (PAC) and applies to planning applications submitted from 3rd August 2009.

Type of developments

These regulations only apply to applications for developments that are defined as **'national'** or **'major'**. 'National' developments are specified by the Scottish Government. In Highland only applications for grid reinforcements to support renewable energy developments are defined as 'national'. 'Major' developments cover a range of different development types – e.g. housing, business, minerals - which are over a specific size or threshold. These definitions are given overleaf.

Objectives

The aim of the new procedure is to make sure that communities are made aware of, and have an opportunity to comment on, these types of development proposals before a formal planning application is made. This allows community views to be reflected early in the process and gives the developer the opportunity to incorporate them into the proposals before making a formal application (although the developer is under no obligation to take on board views expressed at this stage). The Council is **not** usually involved at this stage.

The process

The developer must follow the steps outlined in Figure 1. A report of the pre-application consultation must then be included with any planning application subsequently submitted to the Council.

Further representations

It is important to remember that this consultation is between the community and the developer, and any comments made at this stage are **not** made to the Council. Furthermore, the proposals may be subject to change between the pre-application stage and the formal application stage.

Therefore even after contributing to a pre-application consultation, **it is extremely important that communities continue to make formal representations to the Highland Council** if and when a planning application is submitted.

Fig 1: The pre-application process

Proposal of Application Notice

The developer must submit a Proposal of Application Notice to the Council at least 12 weeks before a formal application is to be submitted. This will be added to the Council's weekly list of planning applications.

Community Council Consultation

The developer must formally consult any Community Council whose area covers or adjoins the application site.

The developer must also provide a copy of the Proposal of Application Notice to the Community Council(s).

Advertisement in local press

The developer must place an advert in a local paper giving details of the proposal; how the public can obtain further information; and how, and by when, they can comment on the proposal.

The advert must also give details of the public event(s) to be held in relation to the proposal and should be published at least 7 days before the event date. It should also state that any comments made are **not** representations to the Highland Council.

Public Event

The developer must hold at least one public event (advertised in local press) in an accessible location where members of the public can comment on the application.

Formal Planning Application

The developer can submit a formal planning application a minimum of 12 weeks after the Proposal of Application Notice has been submitted to the Council.

The planning application must include a report of the undertaken PAC.

MAJOR DEVELOPMENTS (DEFINITION)

<i>Type of Development</i>	<i>Threshold/criterion</i>
SCHEDULE 1 DEVELOPMENT	
Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999(3) (other than exempt development within the meaning of those Regulations).	All Development
HOUSING	
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
BUSINESS & GENERAL INDUSTRY, STORAGE & DISTRIBUTION	
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 (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
ELECTRICITY GENERATION	
Construction of an electricity generating station	The capacity of the generating station is or exceeds 20 megawatts
WASTE MANAGEMENT FACILITIES	
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
TRANSPORT AND INFRASTRUCTURE PROJECTS	
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
FISH FARMING	
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
MINERALS	
Extraction of minerals	The area of the site is or exceeds 2 hectares
OTHER DEVELOPMENTS	
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

Further information

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