

# DELIVERING MAJOR DEVELOPMENTS A Pre-Application Guide

PLANNING and DEVELOPMENT SERVICE



December 2011



## PURPOSE

The Highland Council is committed to the creation of sustainable communities to ensure a balanced population growth and economic development across the area and to deliver a fairer and healthier Highlands.

To assist the delivery of these aims, and in line with the requirements of the Planning etc (Scotland) Act 2006, we have put in place new processes for dealing with major applications.

The guidance outlines the procedures The Highland Council will adopt to provide effective and early pre-application advice to developers in the Highland area.

## PLANNING FOR MAJOR DEVELOPMENTS

Major developments can be complex and involve a number of different Services across The Council. The Highland Council recognises the value of co-ordinated pre-application discussions for the more efficient handling of subsequent applications, and encourages developers and their agents to engage in this process for major development proposals.

Pre-application discussions help in providing early indications of the planning authority's view of a scheme. They can also clarify the necessary information requirements for subsequent applications, help improve the quality of development proposals, assist in providing certainty to developers, as well as saving time and money on working up proposals.

## WHAT IS A MAJOR DEVELOPMENT?

Regulations defining what a major development is have been issued by the Scottish Government and came into force on the 6<sup>th</sup> April 2009. The Highland Council would encourage those developers with proposals of the following types, detailed in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulation 2009, to engage with the Council as part of this pre-application procedure:

Type of Development	Threshold / Criterion
<b>Housing</b>	50 or more dwellings.
	The total area of the site is, or exceeds, 2 hectares.
<b>Business and general industry, storage and distribution</b>	The floor area of the site is, or exceeds, 10,000 square metres.
	The total area of the site is, or exceeds, 2 hectares.
<b>Electricity Generation</b>	The capacity of the generating station is, or exceeds, 20MW.
<b>Waste Management Facilities</b>	The capacity of facility is, or exceeds 25,000 tonnes.
	If used for sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day.
<b>Transport and infrastructure projects</b>	The length of the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres.
<b>Fish Farming</b>	The surface area of water covered is, or exceeds, 2 hectares.
<b>Minerals Development</b>	The total area of the site is, or exceeds, 2 hectares
<b>Other Development not classed within any single class of the above development</b>	The gross floor space of any building, structure or erection constructed as a result of such development is, or exceeds 5,000 square metres.
	The total area of the site is, or exceeds, 2 hectares.
<b>Any Development which falls under Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999</b>	

We also believe that other types of development may benefit from engagement with the Council as part of this pre-application procedure:

- Business, retail or industrial uses where the floor space is, or exceeds, 1,000 square metres;
- Significant wastewater treatment or water supply schemes;
- Mixed use masterplanning projects; and
- Larger applications which may have a significant impact on small communities or environmentally sensitive areas.

This list is not exhaustive, and developers of other proposals may be invited to follow the approach outlined in this guidance.

## REQUIREMENTS

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 set out minimum requirements for pre-application consultation and notification. This is outlined below and further information can be found in the Part 2 of the aforementioned regulations or by contacting us using the details at the end of this guide:

- A proposal for application notice must be submitted a minimum of 12 weeks before an application for a major development;
- The prospective applicant should consult any Community Council whose area is part of, or adjacent to, the proposed development's site;
- A proposal of application notice should be submitted to the appropriate Community Councils;
- Hold at least one public event;
- Publish details of the proposed public event in a local newspaper which covers the area of the development; and
- Produce a 'Pre-Application Report'.

## GETTING STARTED

As a developer, you are asked to submit a pre-application meeting request, containing details of your proposal for a major development. A form, which can be found on The Highland Council's website The Highland Council, is available for this purpose. It outlines all the details we require to be able to consider your proposal properly. The more information that you are able to supply, the more comprehensive our response will be.

## WHAT HAPPENS NEXT?

A **major developments team** is being established in each of the three Council Corporate areas. It is made up of relevant officials from across The Highland Council and chaired by a senior member of staff from the Planning and Development Service. Each team will meet on a regular basis, and the dates of forthcoming meetings are available on the Council's web-site.

Within four weeks of submitting your request for a **pre-application meeting** the relevant major developments team will get together to discuss your proposal. You may be asked to attend the meeting to present your proposal to the team.

## WHAT ADVICE CAN YOU EXPECT TO RECEIVE?

Within four weeks of the pre-application meeting, you will receive a **pre-application pack** outlining the key outcomes of our discussions about your proposal. This pack will contain an overview of:

<b>Principle and Policy</b>	The principle of development and the planning policy relating to the site.
<b>Constraints</b>	Details of constraints that we are aware of on the site.
<b>Design</b>	Comments on built form, scale, massing, views, patterns, historic context, views etc.
<b>Sustainability</b>	Fit with our "Designing for sustainability" guideline, including the need for a Sustainable Design Statement.
<b>Amenity</b>	Which properties may be affected and how, what further assessment is required, requirements in terms of noise studies, tree surveys etc.
<b>Transport</b>	Advice and comments on servicing, access, parking standards, cycle parking, public transport linkages and requirements for Transport Assessment.
<b>Public consultations</b>	Whether engaging in community consultation is advisable and who and how to consult in line with the requirements of Planning Advice Note 81 (Community Engagement).
<b>Financial contributions</b>	Possible contributions that may be necessary, taking into account Council policy and the potential impacts of the proposed development.
<b>Documentation or information requirements</b>	What you will need to submit with a subsequent application, possible timescales for processing of your application, Committee dates etc

We will make it clear where we consider that modifications or amendments could make your proposal acceptable in principle, and equally, if the scheme is wholly unacceptable as it conflicts with policy or guidance. The advice will be endorsed by the Head of Planning and Building Standards.

This pre-application advice service is not compulsory and may not be appropriate in all situations. However, we actively encourage pre-application discussions for all major development proposals before submission of a planning application for formal consideration.

## CHARGE

In order to support the delivery of this high quality service a one-off cost is being being charged from 1<sup>st</sup> April 2010. This charge is currently £750 (+VAT). Please contact us using the details at the end of this guidance to discuss payment methods.

## DEALING WITH SUBSEQUENT PLANNING APPLICATIONS

Once you submit a planning application, we will continue to use a team approach in order to reach a decision. The case officer for the planning application will be the key link from you, as the applicant, back to the major developments team.

## DISCLAIMER

The Council will make every effort to ensure that the advice given in the pre-application process is as accurate as possible. However any advice given by Council officers for pre-application inquiries does not constitute a formal decision of The Council with regards to any planning application and, whilst it may be a material consideration, cannot be held to bind The Council in its validation or formal determination of a subsequent application. If an application is subsequently submitted which fails to take on board advice given by officers, then The Council may refuse it without further discussion with the applicant or their agent.

There is a possibility that, under the Freedom of Information Act, The Council will be asked to provide information regarding inquiries for pre-application advice and copies of any advice provided or correspondence entered into. This information may only be withheld if its disclosure could prejudice commercial interests, inhibit the free and frank provision of advice or exchange of views during the planning process, or could prejudice the effective conduct of public affairs. Those seeking pre-application advice should provide a covering letter that sets out the reasons why, and for how long, any information relating to the case needs to remain confidential.

It will be for The Council to decide whether information can be treated as exempt from disclosure and it should be recognised that the thrust of the legislation is to make information accessible unless there is a pressing reason why not. Each case will be assessed on its merits. The passage of time may remove the need for exemption as information becomes less sensitive. Generally, notes and correspondence relating to pre-application discussions will not be treated as confidential, once a planning application has been submitted and the case is in the public domain.

## MORE DETAILS

For more information about the Major Development Guidance please contact:

Head of Planning and Building Standards  
Planning and Development Service  
The Highland Council  
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Planning & Development Service, The Highland Council

