



MORAY COUNCIL ENVIRONMENTAL SERVICES DEVELOPMENT MANAGEMENT

PRE – APPLICATION CONSULTATION (PAC) SCREENING GUIDANCE NOTE

Pre-Application Consultation Screening

All proposals falling within the classes of development defined as "National development" and "Major development" require pre-application consultation (PAC) to be carried out between developers and communities. The Table attached to this guidance note prescribes the classes of development, and in the case of Major development, sets out the relevant threshold criteria to be followed. The requirement for PAC applies to:

- applications for planning permission;
- applications for planning permission in principle;
- applications for approval of matters specified in conditions.

All planning applications for National or Major development submitted on or after 3 August 2009 are subject to the new requirements. Where planning permission has been sought or granted prior to this date, any subsequent new application for the same proposal on the same site, now falling within the prescribed classes of development, will be subject to the PAC process.

In most instances it will be obvious whether a proposal falls under the definition of what is a National or Major development and in such cases, applicants must follow the PAC process before submitting a planning application. It is open to prospective applicants to proceed with the PAC without seeking a formal view from the Council where they are content that PAC is required.

Where prospective applicants are uncertain as to whether the proposal is a National or Major development they may apply to the Council for a formal opinion. The benefit of obtaining such an opinion is that it will provide some clarity early in the pre-application process of the steps to be followed and avoid any unnecessary or unexpected delay later. Where the Council have provided an opinion confirming that a proposal is not considered to be in a class of development that requires PAC, the opinion is valid for 12 months providing that the proposals are not significantly altered within the intervening period.

The various stages of this process are identified in the attached flow chart.

Screening Process

Prospective applicants seeking an opinion from the Council on whether a proposal is a national or major development require to go through a screening process. This involves the submission of a "pre-application screening notice"

which requires to be accompanied by sufficient information to enable the Council to reach a view on the need for PAC. The notice must contain the following information:

- applicants name, address and contact information
- the site address
- a description of the development to be carried out (this should include sufficient detail to identify the nature and scale of development proposed)
- a plan showing the outline of the site to which the development relates (this should include sufficient information to clearly identify the site). The plan should be to a known scale and be ordnance survey based.
- 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 (whether the proposals were previously screened as Schedule 1 development).

A Moray Council 'Pre-application Screening Notice' form, which sets out the information required, is available for use if required. This can either be downloaded from the Moray Council website http://www.moray.gov.uk/moray_Standard/page_41669.html or posted out on request. Screening requests should be sent to the Development Control Manager, Development Services, Environmental Services Department, The Moray Council, Council Office, High Street, Elgin, IV30 1BX.

Timescales

Once a prospective applicant has submitted a notice to the Council, it will be checked to ensure that the correct level of information has been submitted. If the information is complete, the Council has 21 days from the receipt of the notice to provide an opinion – this is referred to as a "screening statement". If the information is incomplete or insufficient, the Council can request within 21 days further necessary information to enable it to reach a decision. Upon receipt of further information, the Council has 21 days to issue the screening statement.

Post Screening

Where the Council has issued a screening statement indicating that PAC is not required, the related planning application must be submitted within 12 months for the statement to remain valid. Applications received outwith the period would require to be screened afresh. Applications submitted without the necessary PAC, where it ought to have been carried out, will not be determined. In accordance with the regulations, the Council will decline to determine applications to which the PAC requirements apply and where applicants have not complied with the requirements.

Where a screening statement has been issued indicating the PAC is required, or where the prospective applicant has undergone PAC without prior screening, there is no time limit on the length of time between the commencement of PAC and the submission of a related planning application.

It is recognised that following a screening statement being issued by the Council that proposals may then alter in form and content. In such

circumstances, it will be for the Council to determine whether the related planning application still falls within the general description upon which a screening statement was previously issued.

There may be other circumstances where the need for a new or further screening statement may be uncertain, for example applications for full planning permission following an application for permission in principle which was the subject of PAC, repeat applications, renewal applications or applications to amend conditions attached to permissions which were previously the subject of PAC. In such circumstances, the Council will exercise judgement over whether the new or amended proposals remain within the terms of the description in the original proposal and the PAC previously undertaken. It will also take into account the time that has elapsed since the initial PAC in reaching a decision on the need for further PAC to be carried out. Applicants should contact the Development Services Section to ascertain the need for PAC where there is any doubt over the requirements to be met.

If PAC is required then at least 12 weeks before an application is submitted you will be required to submit a Proposal of Application Notice. Further information on this process is available in the guidance on Proposal of Application Notices.

Further information on the categories of development and procedures is available in:

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

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

**TABLE
NATIONAL DEVELOPMENTS AND DEFINITIONS OF MAJOR DEVELOPMENTS**

Description of Development - National	
Electricity grid reinforcement – upgrade of the Beaulieu-Keith transmission line	
Description of Development – Major	Threshold or criteria
1. Schedule 1 development Development of a description mentioned in Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999(2)	All development
2. 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
3. Business and General Industry, Storage and 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; or d) for use for storage or a distribution centre	a) the gross floor space of the building, structure or other erection constructed as a result of the development exceeds 10,000 sq metres; or b) the area of the site is or exceeds 2 hectares.
4. Electricity Generation Construction of an electricity generating station.	The generating station has capacity of or exceeding 20 megawatts.
5. Waste Management Facilities Construction and facilities for use for the purpose of waste management or disposal.	The facility has a capacity of or exceeding 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.
6. 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 km.
7. 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.
8. Minerals Extraction of minerals	The area of the site is or exceeds 2 hectares.
9. Other Development 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 sq metres, or b) The area of the site is or exceeds 2 hectares.

For the purpose of this guidance note:

“site area” is the entire site delineated by the red line;

“extensions” will be classed as Major if, in their own right, they exceed the above thresholds.

Flow chart of pre-application consultation (PAC) stages – applicable to all national and major applications (as defined in Hierarchy Regulations).

