



**MORAY COUNCIL**  
**ENVIRONMENTAL SERVICES**  
**DEVELOPMENT MANAGEMENT**  
**PROPOSAL OF APPLICATION NOTICE AND**  
**PRE-APPLICATION CONSULTATION**  
**GUIDANCE NOTE**

### **Introduction**

All proposals falling within the categories 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 need for Pre-application Consultation (PAC) between the developer and the community has been introduced to ensure that communities are made aware of and have an opportunity to comment on certain types of proposals before a planning application is submitted. The process seeks to encourage improved trust and working relationships and to provide an opportunity for community views to be reflected early in the process. It should help improve the quality of planning applications, allow any negative effects to be mitigated, any misunderstandings to be addressed and aired and deal with any particular community issues.

You may have already sought the opinion of the Planning Service on whether pre-application consultation is required for your development through the submission of a Pre-Application Screening Notice. Although you may submit a Pre-Application Screening Notice and a Proposal of Application Notice concurrently, it may be of benefit to submit the Pre-Application Screening Notice prior to the submission of the Proposal of Application Notice. The various stages of this process are identified in the attached flow chart.

### **Proposal of Application Process**

Where PAC is required, you must submit a Proposal of Application Notice to the Planning Authority at least 12 weeks prior to the submission of the application for planning permission. The notice should include:

- a description in general terms of the development to be carried out. This should be an outline of the proposal's characteristics and the identification of its class (i.e. National or Major developments);
- a postal address if the development site has a postal address;
- a plan showing the outline of the site and sufficient to identify the site at which the development is to be carried out. The plan should be to a known scale and be ordnance survey based;
- your details to allow us to contact you and correspond with you;
- details of what consultation you intend to undertake, when the consultation is to be carried out, with whom it will be carried out with and what form it will take.

NOTE. The 'description in general terms' should relate to the purposes of the notice – an outline of the proposal's characteristics, and the identification of its class (e.g. major

development). It should be borne in mind that any subsequent application needs to be recognisably linked to what is described in the 'proposal of application notice', as a very detailed or narrow description in the notice is likely to result in relatively minor changes potentially triggering the need to repeat PAC.

A Moray Council 'Proposal of Application Notice' form, which sets out all the information required, is available for use if required. This can either be downloaded from the Moray Council website at [http://www.moray.gov.uk/moray\\_Standard/page\\_41669.html](http://www.moray.gov.uk/moray_Standard/page_41669.html) or posted out on request. Completed Notices should be sent to the Development Control Manager, Development Services, Environmental Services Department, The Moray Council, Council Office, High Street, Elgin, IV30 1BX. A copy of the Notice must also be served on the Community Council/s whose area is within, or adjoins, the land on which your development is proposed.

Within 21 days of the submission of the Pre-Application Notice, the Council will respond to say that the proposed consultation should be undertaken or, if not, what additional consultation should take place. In making this decision we will take into account the nature, extent and location of the proposed development, local knowledge, circumstances and bodies we consider should be consulted and the guidance contained in Planning Advice Note 81: Community Engagement — Planning With People. We may require that a copy of the Proposal of Application Notice be sent to other persons we consider should be notified. We may also prescribe the format for the public event.

If Development Services has not responded to the Proposal of Application Notice within 21 days, only the statutory minimum Pre-Application Consultation activities will be required.

Contact details for the various Community Council/s, associations and other bodies that you may be asked to consult can be found on the Moray Council website [www.moray.gov.uk](http://www.moray.gov.uk).

### **Community Consultation Requirements**

There are varying levels and types of consultation with communities, however, as a minimum you must consult with the local Community Council/s whose area is within, or adjoins, the land on which your development is proposed. You must therefore also send them a copy of the Proposal of Application Notice

It is open to you to contact Development Services prior to submitting the Pre-Application Notice for details of local bodies who may be interested in the proposal and should be consulted.

### **The Public Event**

You must hold at least one public event for members of the public where they can make comments on your proposals. This 'public event' must be advertised at least 7 days in advance of the event in the local newspaper circulating in the locality of the proposed development to give reasonable notice for community councils/members of the public to attend. The event can be in the format prescribed in any response by the LPA to the notice. The advertisement must include:

- a description of and the location of the proposed development;
- details as to where further info may be obtained concerning the proposed development;
- the date and place of the public event;

- a statement explaining how, and by when, persons wishing to make comments 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 LPA at this stage and that the opportunity for lodging representations will be when the application is formally submitted to the LPA.

Applications will gain less from poorly attended or unrepresentative PAC events. You should therefore ensure that processes are put in place that will allow members of the community to participate meaningfully in the public event. This event should be reasonably accessible to the public (including disabled people) and may need to take place over a number of dates, times and places. It should be made clear that it is an opportunity to make comments and that the plans presented to them could be altered in some way before the final proposal is submitted as a planning application to the Planning Authority.

It is not intended that the Planning Authority will have a role in PAC activities beyond their role in pre-application screening, responding to Proposal of Application Notices and considering PAC reports. In the event that elected members or officers of the Council do attend public events during the pre-application consultation period, they will not be in a position to comment on any proposals or indicate their support or otherwise.

### **Post Consultation**

After a period of 12 weeks from submission of the Proposal of Application Notice and having carried out the requirements for consultation/notification specified by the Planning Authority, you may submit your planning application. A Pre-Application Consultation Report of that consultation process should be submitted along with the planning application. The report is to be made in writing (can include an electronic version) and should include:

- details of who has been consulted and set out what steps were taken to comply with the statutory requirements and those of the planning authority;
- information as to how the applicant has responded to the comments made, including whether and the extent to which the proposals have changed as a result of PAC;
- evidence that the various prescribed steps have been undertaken – e.g. copies of advertisements of the public events and reference to material made available at such events and
- a demonstration of the steps that were taken to explain the nature of PAC – i.e. that it does not replace the application process whereby representations can be made to the planning authority.

If a Pre-Application Consultation report is required and has not been submitted, the Planning Authority is required under the legislation to decline to determine the application. Any application submitted without the report would be returned until such time that the statutory requirements have been met and the requisite report has been submitted. This may result in the proposals changing as a result of the PAC process.

*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**

<b>Description of Development - National</b>	
Electricity grid reinforcement – upgrade of the Beauly-Keith transmission line	
<b>Description of Development – Major</b>	<b>Threshold or criteria</b>
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).

