

CATEGORIES OF DEVELOPMENT GUIDANCE NOTE

From 6 April 2009 the provisions of the Planning etc (Scotland) Act 2006 come into force in respect of the hierarchy of development. All development will fall into one of 3 categories:

1. National Development
2. Major Development
3. Local Development

The hierarchy is intended to deliver a planning system in which different types of applications will be dealt with in different ways depending on their scale and complexity and decisions will be taken at the most appropriate level.

The purpose of this guidance note is to provide applicants, agents and the public with an understanding of what category of development their particular proposal will fall within.

Please note - Aberdeenshire Council currently operates a Major Application pre-application consultation process which will continue but will be reviewed in light of the proposed new categories of development.

For further information on the Major Application pre-application process please see the separate guidance notes on Major Planning Applications.

1. NATIONAL DEVELOPMENTS

National Developments are set out in the National Planning Framework 2 (NPF2) which is produced by the Scottish Government. These are developments that would make a significant contribution to Scotland's overall success or its international role.

National Developments in Aberdeenshire are:

- New non-nuclear baseload capacity at Boddam Power Station;
- Upgrading the East coast electricity transmission route to 400KV.

2. MAJOR DEVELOPMENT

The thresholds for Major Developments are set out in Table 1 below. The thresholds apply to new developments (not changes of use) and extensions to existing developments.

What happens if my proposal is a National or Major Development?

In addition to being within certain thresholds a number of obligations are attached to those submitting or proposing to submit planning applications for Major or National Developments from 3rd August 2009. Amongst these are the need for Pre-application Consultation (PAC) between the developer and the community. This process 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.

How do I know if Pre-application Consultation (PAC) is required?

If you are unsure whether your proposal is a one requiring PAC then you can apply to the Council for a Screening Opinion as to whether it is required. Please note that whilst the terminology is the same, the process differs from anything required under the Environmental Impact Assessment (EIA) Regulations and PAC screening does not negate the need for compliance with EIA requirements. The Council will write to you or your agent within 21 days to give an opinion on whether PAC is required.

Is this opinion binding?

There is no appeal against the decision of the Council. Equally, if the Council has advised that no PAC is required then, unless the proposal alters significantly during the working up and submission of an application, the Council can not then advise that PAC is required. There is no fee for an opinion on whether PAC is required.

For further information on this screening process please refer to the guidance note on PAC screening.

What if PAC is required?

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. This must, as a minimum, set out:

1. A general description of the development proposed.
2. The Postal Address of the site along with a plan to identify the site
3. Prospective applicant contact details
4. A brief assessment of what PAC the applicant proposes to undertake, when the consultation is to take place, the form of the consultation and with whom
5. Any additional information requested by the Planning Authority.

For further information on this process please refer to the guidance note on Proposal of Application Notices and Pre-Application Consultation.

What do you have to do?

As a minimum you will be required to consult with:

1. The Community Council(s) affected by your proposal; and,
2. Hold a minimum of 1 public event which has been advertised prior to the event.

In certain circumstances the Council may request additional notification and consultation.

You will be required to submit a Pre-application consultation report with your application setting out what PAC you have undertaken, what representations were made, and whether and how these have been taken into account in the development proposals. For further information on the information that should be contained in this report please see the guidance note on Pre-Application Consultation Reports.

Are there any other implications for National and Major Developments?

From the 3rd August 2009 the Council will have a longer period of time (4 months) to consider the application. Also, your application may be subject to the following additional scrutiny measures. All applications for National developments and all Major Developments significantly contrary to the local development plan will be subject to a pre-determination hearing by the committee and will require to be referred to the Full Council. You should take these additional requirements into account in programming your development.

3. LOCAL DEVELOPMENTS

All developments that are not National or Major developments fall within the category of "Local" Development. Examples of Local Developments are house extensions, steading conversions, small-medium housing and industrial developments, small scale renewable developments etc.

It is important to note that from the 3rd August 2009 applications for planning permission for Local Developments will be handled in accordance with a new Scheme of Delegation (currently being prepared) and may be determined under delegated powers. If an application is dealt with, or could be dealt with, under delegated powers then the "right to appeal" will be to a locally established review body not the Scottish Ministers as currently. This Local Review Body will only consider Local Developments. You will be advised of the appropriate appeal process when your application is determined.

Please note that applications for listed building consent, conservation area consent and certificates of lawful use/development are not affected by the proposed changes and will continue to be subject to appeal to Scottish Ministers.



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

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

The Town & Country planning (Development Management Procedure) (Scotland) Regulations 2008

TABLE 1
THRESHOLDS FOR MAJOR DEVELOPMENT

Class of Development	Threshold/criteria
Schedule 1 of EIA development	All schedule 1 development
Housing Development	50 or more units <u>or</u> 2ha or more of site area
Business and Industry (class 4-6)	More than 10,000m ² of gross floor area of new build <u>or</u> in excess of 2ha of site area
Electricity Generation	The generating station (including renewables) has capacity of or exceeding 20MW
Waste Management	The facility has a capacity of more than 25,000 tonnes per annum <u>or</u> in the case of sludge treatment more than 50 tonnes (wet weight) per day
Transport and Infrastructure	The length of new or replacement road (including some cycle/walk ways), railway, tramway etc exceeds 8km
Fish Farming	The surface area of water covered is 2ha or more
Minerals	The area of extraction exceeds 2ha
Other Development	Where the gross floor space of any building developed exceeds 5,000m ² <u>or</u> the site exceeds 2ha in total

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.