

## **PROPOSAL OF APPLICATION NOTICE AND PRE-APPLICATION CONSULTATION GUIDANCE NOTE**

***Please note – the following guidance applies to planning applications that will be submitted on or after 3<sup>rd</sup> August 2009***

### **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 guidance note on the Hierarchy of Development and Pre-application consultation include information on the classes and thresholds of development that fall within these categories.

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, allow any misunderstandings to be addressed and air 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.

### **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, details of which class (mandatory for all National and 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.

An Aberdeenshire 'Proposal of Application Notice' form, which sets out all the information required, is available for use if required. Completed Notices should be sent to the Head of Development Management and Building Standards at the main service centre for the Area in which the proposed development would be located. Contact details are available on the Council's website. 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 Planning Service 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 the Planning Service has not responded to the Proposal of Application Notice within 21 days, only the statutory minimum Pre-Application Consultation activities will be required.

### **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. From the 3<sup>rd</sup> August 2009 we will also publish the Proposal of Application Notice on the Council's list of planning applications which will be available for inspection.

You may contact the Planning Service in advance of submitting the Pre-Application Notice for details of local bodies who may be interested in the proposal and should be consulted. Please contact the main service centre for the Area in which the development would be located for more details.

You must hold at least one public event which must be advertised locally in a newspaper at least 7 days before the event is to take place. Community Councils and members of the public will both then be able to attend. The advertisement must include:

- a description of, and the location of, the proposed development;
- details of where further information can be obtained concerning the proposed development;
- the place, date and time of the public event;
- a statement of how persons wanting to make comments about the proposal *to the applicant* can do so;
- a statement that makes it clear that any comments made to the applicant are not representations to the Planning Service and that, if an application is submitted, there will be an opportunity to submit representations to the planning authority at that time.

Public events which are held to engage local communities should be carefully thought out to ensure that meaningful consultation takes place. Care should be taken to not exclude anyone and provision may need to be made for more than one event to take place. It should be made clear that it is an opportunity to make comments and that the plans could be altered in some way before the planning application is submitted. The Planning Service may prescribe a particular format for the event and it is expected this will be carried out.

It is not intended that planning authorities 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 minimum of 12 weeks from submission of the Proposal of Application Notice and having carried out the requirements for consultation/notification specified by the Planning Service, you may submit your planning application for the development. A Pre-Application Consultation Report of that consultation process should be submitted along with the planning application containing details of the consultation process, outcomes and whether and how the proposal has been changed to address these.

If a Pre-application Consultation Report is required and has not been submitted, the application will be invalid and cannot be determined by the Council until the required report is submitted.

Applications submitted without the necessary PAC, where it ought to have been carried out, will not be determined. The Council will decline to determine applications where the applicant has not complied with the PAC requirements.