

New hierarchy of development

The National Planning Framework for Scotland 2 (NPF) specifies national developments, whilst the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 specify major and local developments.

National developments

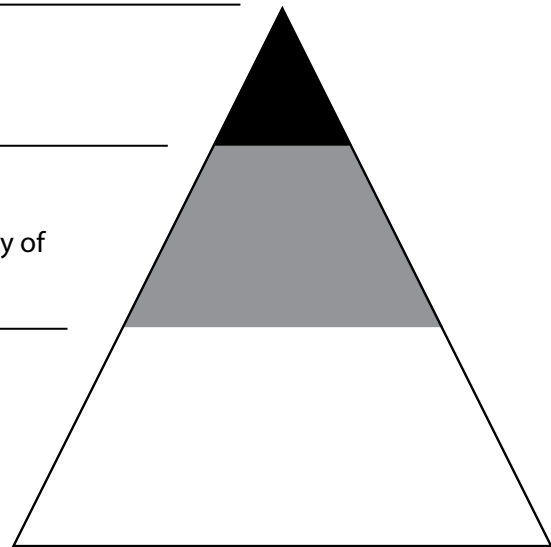
As defined in the NPF

Major developments

As defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009

Local developments

All development which is neither national or major as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009



Pre-application screening notice

The submission of a pre-application screening notice is optional. It is for instances where the applicant is uncertain whether their proposal falls into the categories of either national or major development. A pre-application screening notice can be submitted to the planning authority detailing the site and proposed development. A statement will then be issued by the planning authority advising whether pre-application consultation (PAC) will be required.

The information submitted should be sufficient to enable the planning authority to determine whether PAC is necessary. The planning authority has 21 days to respond to the notice and advise whether the proposal requires PAC. A statement issued by the planning authority that states PAC is not necessary is valid for a period of 12 months.

The pre-application screening notice must contain:

- a description of the development to be carried out;
- if the site has a postal address, that address;
- a plan showing in red the outline of the site at which the development is to be carried out;
- contact/correspondence details for the prospective applicant and agent;
- a statement as to whether a screening opinion or direction has previously been issued on the need for EIA in respect of the development;
- details of any previous PAC.

The planning authority can request further information where necessary. The issuing of a statement would be delayed in such instances. Therefore, the notice should be completed in full with any additional information attached to enable the planning authority to form a view on the proposal and the requirement for PAC.

Proposal of application notice

If PAC is required, applicants must submit a proposal of application notice at least 12 weeks prior to the submission of the planning application.

The notice must detail the consultation process the applicant will undertake including when, how and with whom. The planning authority will respond to the notice within 21 days stating whether the proposed consultation is sufficient or whether any additional consultation is required.

The notice should include:

- a description of the development to be carried out;
- if the site has a postal address, that address;
- a plan showing the outline of the site at which the development is to be carried out;
- contact/correspondence details for the prospective applicant and agent;
- an account of what consultation the prospective applicant proposes to undertake.

Who should be consulted and how?

- The prospective applicant is required to indicate in the notice what consultation will be undertaken.

The statutory minimum requirements are:

- the applicant must consult every community council whose area covers or adjoins the application site;
- the consultation must include at least one public event where members of the public may make comments to the prospective applicant on the development - Details of the proposal and consultation must be published in a local newspaper at least seven days prior to the event being held;
- the public event advertisement must include the location and description of development, details as to where further information can be obtained, date and place of the event, a statement explaining how and when persons wishing to make comment to the prospective applicant relating to the proposal may do so and a statement that confirms that comments made to the prospective applicant are not representations to the planning authority;
- the planning authority may, within 21 days of receiving the proposal of application notice, notify the prospective applicant of any other persons whom they consider must also receive a copy of the notice and of any other consultation that must be undertaken, including its form;
- consultations must be carried out in a manner that provides genuine opportunities for members of the public to engage with applicants. For example, the timing and location of events should be considerate of the lifestyles and commitments of all members of the local community.

Outcome

The consultation should be a meaningful engagement with those who can represent the community's views, and should offer the opportunity to mitigate negative impacts and misunderstandings and deal with community issues that can be addressed.

Pre- application consultation report

The purpose of the PAC report is to confirm that PAC has taken place in line with statutory minimum requirements and/or in line with any further requirements set by the planning authority in their response to the proposal of application notice.

The report should:

- specify who has been consulted;
- set out what steps were taken to comply with the statutory requirements and those of the planning authority.

It is advisable that the report also includes:

- copies of advertisements of the public events;
- reference to material made available at such events.

The report should also set out how the applicant has responded to comments made, including if, and to what extent, the proposals may have changed as a result of PAC. The report must accompany the planning application when submitted and the planning authority is required to include it on part 1 of the planning register along with the application, plans and drawings. The report is to be made in writing and can be submitted electronically.

Pre-application process			
	Applicant	Planning authority	Public
Pre-application screening	If unsure whether pre-application consultation is required, submit pre-application screening notice to planning authority	Respond to notice within 21 days . (Determination or request for further information)	
Pre-application consultation	If PAC required, submit proposal of application notice to the planning authority and begin consultation 12 weeks before submitting the application.	Respond to notice within 21 days , stating whether proposed consultation is acceptable, and detailing any further consultation required.* (*Requests must be reasonable and specific)	Respond to applicant with views/opinions on the proposed development.
Planning application	Submit planning application, including pre-application consultation report. (minimum of 12 weeks after planning authority receipt of proposal of application notice)	Assess the application and recommend a decision in due course.	Submit formal representations on the application to Planning (21 day window from application validation date, expiry date of any advert or neighbour notification)

Major application definition checklist		
Development description		Criterion
SCHEDULE 1 DEVELOPMENT	Development of a description mentioned in Schedule I to the EIA (Scotland) Regulations 1999(a).*	All development.
HOUSING	Buildings or structures for residential use	The development comprise of 50 or more dwellings; or The area of the site area is or exceeds two hectares
BUSINESS & GENERAL INDUSTRY, STORAGE & DISTRIBUTION	Buildings or structures for use as office space, for research & development, for industrial process or for storage or distribution.	The gross floorspace is or exceeds 10,000m ² ; or The area of the site area is or exceeds two hectares
ELECTRICITY GENERATION	Construction of an electricity generating station.	The capacity of the facility is or exceeds 20 megawatts
WASTE MANAGEMENT FACILITIES	Construction of facilities for waste management or disposal.	The capacity of the facility 25,000 tonnes per annum; or For sludge treatment facilities, a capacity to treat more than 50 tonnes (wet weight) per day
TRANSPORT & INFRASTRUCTURE	Construction of new/replacement roads, railways, tramways, waterways, aqueducts or pipelines.	The length of the road, railway, tramway, waterway, aqueduct or pipeline exceed eight kilometres
FISH FARMING	The placing or assembly of equipment for the purpose of fish farming. **	The area of the site is or exceeds two hectares
MINERALS	Extraction of minerals.	The area of the site is or exceeds two hectares
OTHER DEVELOPMENT	Any development not falling wholly within any single class of development listed above.	(a) The gross floorspace is or exceeds 5,000m ² ; or (b) The area of the site is or exceeds two hectares

* other than exempt development within meaning of regulations

** within meaning of section 26(6) of the Act

Customers with special requirements

Information is available in **Braille, tape, large print** and **community languages**. Please contact the **interpretation and translation** service on **01506 280000**

Text phones offer the opportunity for people with a hearing impairment to access the council. The text phone number is **18001 01506 464427**. A loop system is also available in all offices.

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