

**Guide for Developers Pre-application Consultations in
South Ayrshire**

For

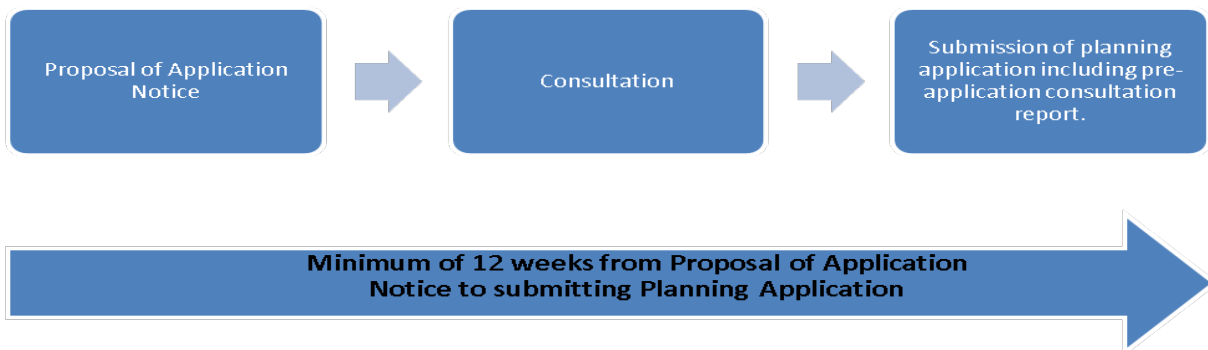
National and Major Planning Applications

August 2009

Under the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 developers require to undertake early **community consultation** prior to the submission of a national or major planning application. The National Planning Framework sets out what developments are classed as 'National' developments. Appendix 1 of this Guide includes an extract from the Town and country planning (Hierarchy of Development)(Scotland) Regulations 2009 explains the classes of development that are categorised as 'Major' developments.

If a prospective applicant is unsure their development is subject to the pre-application consultation requirement of the Planning etc.,(Scotland) Act 2006 Section 35A(1) they can submit a Pre-application screening notice to the Planning Service. The Planning Authority must respond to the Pre-application screening notice within 21 days stating either that pre-application consultation will either be necessary or not. An application form for pre-application screening is available on the Council's web site.

This Guide has been put together to assist you in undertaking pre-application consultations. It includes both the statutory requirements and also additional consultations which South Ayrshire Planning Service may recommend that you undertake.



Further to the above noted **Community consultation** the Council would also encourage prospective applicants to engage in early pre-application discussions with the Planning Service, other relevant Council departments and other relevant agencies (i.e. Transport Scotland, Historic Scotland, Scottish Natural Heritage, Scottish Environmental Protection Agency etc). This type of consultation should be undertaken as good practice prior to submission of a Proposal of Application Notice as it will influence layout and design considerations and could avoid the requirement for further community consultation if a proposal changes to a material extent

Proposal of Application Notice should include the following:

Statutory

- Address and contact details of agent and applicant, including company websites, e-mail addresses, highlighting name of main contact.
- Full address of development
- A plan showing the location and outline of the site (Scale 1: 2500)
- Description of development proposals
- Account of minimum consultation activities

South Ayrshire additional requirements

- List of other parties receiving a copy of completed Proposal of Application Notice form
- Layout plans (indicative)
- Development Programme (indicative)
- Red line map of development site boundary Scale 1:500

The Council has prepared a Proposal of Application Notice Form for prospective applicants to fill in, which is available on our website.

What is required in terms of consultation?

Statutory requirement

1. A copy of the Proposal of Application Notice must be sent to any Community Council(s) any part of whose area is within or adjoins the land where the proposed development is situated. South Ayrshire Planning Service recommends that you send a copy of the Notice to both the Chairperson and Secretary / Planning contact (if available). A map of Community Council areas is available on South Ayrshire Council's website: <http://gis.south-ayrshire.gov.uk/mapGeneral/mapGeneral.asp>. A list of Community Council contact names and addresses is available at www.south-ayrshire.gov.uk/communitycouncils
2. If part of the site is within another Local Authority area please contact relevant Council to direct you to the appropriate Community Council(s).

South Ayrshire Community Councils

Alloway & Doonfoot	www.alloway-doonfoot.org.uk
Annbank & Coylton	
Ballantrae	
Barr	www.barrvillage.co.uk
Barrhill	www.barrhill.org.uk
Belmont & Kincaidston	
Colmonell & Lendalfoot	
Craigie	
Crosshill, Straiton & Kirkmichael	
Dailly	www.dailly-parish.co.uk
Dundonald	
Dunure	www.dunure.info
Fort, Seafield & Wallacetown	
Girvan & District	www.girvan-online.net
Maidens, Kirkoswald & Turnberry	www.girvan-online.net
Loans	
Maybole	
Monkton	
Mossblown & St Quivox	
Newton & Heathfield	
North Ayr	
Pinwherry & Pinmore	
Prestwick North	
Prestwick South	
Symington	
Troon	

If you are unsure which Community Council area your site lies within please contact the Planning Service for clarification.

3. One public event must be undertaken where members of the public have the opportunity to make comments to you either verbally or in writing in respect of the development proposals.
4. An advertisement must be placed in a local newspaper, which is circulated within the area the development proposals are situated at **least 7 days** prior to the aforementioned public event.

Ayrshire Post	Nile Court, 154 High Street, Ayr KA7 1PX Tel 01292 262200
Ayrshire Advertiser/ Troon Times	Herald Buildings, Dock Road, Ardrossan KA22 8DA Tel. 01292 267631 Fax. 01292 466590
Carrick Gazette	32 Dalrymple Street, Girvan KA26 9AE Tel. 01465 712688

The advertisement must contain the following information:

- (i) A description of and location of the proposed development
- (ii) Details as to where further information on the proposed development may be obtained
- (iii) The date, time and venue of the public event
- (iv) A statement explaining how and by when persons wishing to make comments on the proposed development can to the prospective applicant.
- (v) A statement that comments made to the prospective applicant are not representations to South Ayrshire Council and if the prospective applicant submits a planning application there will be an opportunity to make direct representations to South Ayrshire Council's Planning Service.

South Ayrshire Council additional requirements

South Ayrshire Council will assess each Proposal of Application Notice to ensure that the statutory minimum requirements have been achieved, however the following additional consultation activity is recommended as good practice for prospective applicants

- 5. At least one meeting with Community Council prior to the public event. A minute of this meeting should be taken and agreed with Community Council and included within the PAC report. It is recommended that community councils are approached early with a view to establishing if there are other local groups that should be included in the consultation process
- 6. Invite all adjoining neighbours (including non-domestic) to public event in writing to them informing them of development proposals and what opportunities they have to comment on proposals to prospective applicants and the relevant timescales.
- 7. The Council may require that additional consultation activity is undertaken and each applicant will be advised accordingly. This would be dependent on the nature and location of the proposals

Following the completion of pre-application consultation the applicant must prepare a written report (known as a PAC report) to be submitted to the Planning Service with the planning application. To assist you the Planning Service has prepared the following list of information that is required to be included within the report.

Information	Included with PAC Report <input checked="" type="checkbox"/>
1 Specify who has been consulted	<input type="checkbox"/>
2 Set out what steps were taken to comply with statutory requirements	<input type="checkbox"/>
3 Set out what steps were taken to comply with the requirements of the planning authority	<input type="checkbox"/>
4 Set out how the applicant has responded to comments made, including whether and the extent to which proposals have changed as a result of Pre-application consultation (PAC)	<input type="checkbox"/>
5 Provide appropriate evidence that the various prescribed steps have been undertaken (i.e. copies of advertisements for public events and reference material made available at such events)	<input type="checkbox"/>
6 Demonstrate that steps were undertaken to explain the nature of Pre-application Consultation (PAC) i.e. that it does not replace the application process whereby representations can be made to the planning authority	<input type="checkbox"/>

All pre-application reports require the above information before planning applications will be registered.

Appendix 1

Schedule in 2009 No. 51 TOWN AND COUNTRY PLANNING The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

Major Developments

<i>Description of development</i>	<i>Threshold or criterion</i>
1. Schedule 1 development Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations).	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 & 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 as a distribution centre.	(a) The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or (b) The area of the site is or exceeds 2 hectares.
4. Electricity Generation Construction of an electricity generating station.	The capacity of the generating station is or exceeds 20 megawatts.
5. Waste Management Facilities Construction of facilities for use for the purpose of waste management or disposal.	The capacity of the facility is or exceeds 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 kilometres.
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 square metres; or (b) The area of the site is or exceeds 2 hectares.

Interpretation

"the Act" means the Town and Country Planning (Scotland) Act 1997;

"industrial process" means a process, other than a process carried out in or adjacent to, a mine or quarry, for or incidental to—

- (a) the making of any article or part of any article including a ship or vessel or a film, video or sound recording;
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the dressing or treatment of minerals;

"site" means the land to which development relates.