

Pre-Application Consultation Process – Guidance Note

October 2022

This guidance note is for both applicants and members of the public. It provides a brief introduction to the pre-application process.

The [Planning etc. \(Scotland\) Act 2006](#) requires certain classes of development to be the subject of pre-application consultation with the community at a level which is proportionate to the nature and scale of the proposal and its likely impact.

Applicants for all national and major developments must undertake public consultation prior to the submission of a planning application. This is to ensure that communities are made aware of, and have an opportunity to comment on, such proposals before an application is made.

It is the developer's responsibility to undertake this consultation.

All applications for national or major development must comply with the Pre-Application Consultation (PAC) process outlined here. Pre-Application Consultation does not replace the opportunity, or remove the need, for communities and individuals to make formal comments on proposals during the planning application process.



The [National Planning Framework \(NPF\)](#) specifies national developments, and the [Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#) specify major developments.

National Developments

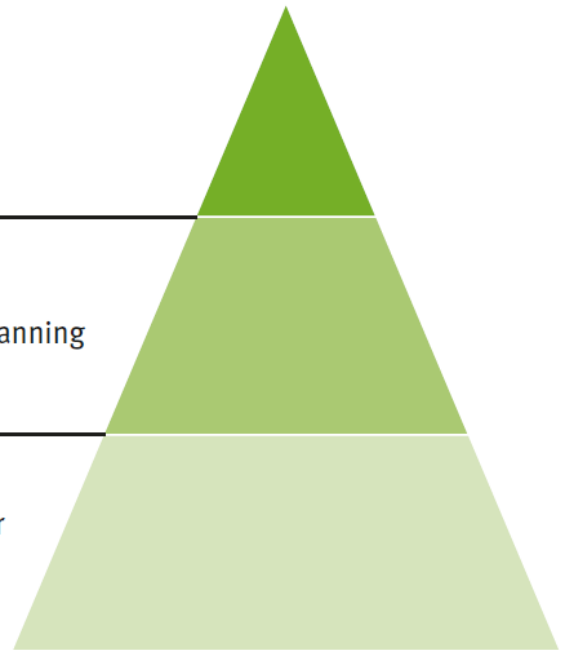
As defined in the NPF

Major Developments

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

Local Developments

All development which is neither National nor Major (Reg2(2) of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009



Pre-application Screening Notice

If applicants are uncertain whether their proposal falls into one of the types of development categorised as either national or major, they can submit a Pre-application Screening Notice. This is optional.

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 PAC will be required.

The information submitted should 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 form to submit a Pre-application Screening Notice [can be found here](#).

Proposal of Application Notice (PAN)

If pre-application consultation is required, applicants must submit a Proposal of Application Notice (PAN) at least 12 weeks prior to the submission of the planning application.

In October 2022, [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#) where amended by [The Town and Country Planning \(Pre-Application Consultation\) \(Scotland\) Amendment Regulations 2021](#). This changed some of the consultation activities required by the applicant for Notices submitted after 1 October 2022.

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

Consultation with communities can begin when the Proposal of Application Notice is submitted, although further consultation may be requested by the planning authority. **A planning application must then be submitted within 18 months of the submission of the PAN.** Failure to submit a planning application will result in having to repeat the pre-application process starting with a new PAN being submitted.

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 is within or adjoins the application site.
- The consultation must include at least **two** public events 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 7 days prior to the **first and last** events being held. The public event advertisements 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 by when persons wishing to make comment 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 planning authority.

Prospective applicants should pay particular attention to the specific locality around the site & its neighbours when carrying out consultation. This includes

- Nearby community centres, public buildings, libraries, schools or sports clubs
- Local businesses, shops and workplaces
- Local community groups

The planning authority may, within 21 days of receiving the Notice, notify the prospective applicant of any other persons they consider must also receive a copy of the Notice and of any other consultation that must be undertaken, including its form.

In addition to the statutory minimum, the City of Edinburgh Council will always request the following;

- The applicant must consult every Ward Councillor for the area the proposals lie within or adjoin
- The applicant must consult every Local Constituency MP & MSP for the area the proposals lie within or adjoin
- Leaflets/Posters should be distributed to neighbouring properties and public buildings or businesses in the local area

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.

Meaningful engagement

The consultation should be a meaningful engagement with those who can represent the community's views. It should offer the opportunity to mitigate negative impacts and misunderstandings and deal with community issues that can be addressed. It should be carried out in the spirit of the [Edinburgh Development Concordat](#) which promotes collaborative working between the developer, community councils and the Council. It is recommended that an engagement strategy is prepared which sets out how community feedback will be sought. This could include the use of:

- Public meetings
- Meetings with community councils
- Exhibitions with developer staff on hand to answer questions
- Social media to promote events
- Bespoke websites for the development
- Surveys – both online and in person
- Posters in local libraries and other public places
- Leaflets distributed to properties and businesses in the local area

This Council encourages the engagement of children and young people in the planning process. It is recommended that efforts are made to get the views of these children and young people at the pre- application consultation stage. This could include liaising with local schools on the proposed development and contacting local youth groups for their views.

Pre-application advice

Pre-Application Consultation should not be confused with [Pre-Application Advice](#). All bespoke pre-application advice provided by the Council is subject to a charge based upon the scale of development that is being proposed; this reflects the greater costs associated with providing advice on larger, more complex, development proposals.

Pre-Application Consultation (PAC) 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 PAC report should contain:

- the dates on which, and places where, public events were held as required in accordance with regulation
- a description of any additional consultation or notification required by the planning authority
- any additional steps taken by the prospective applicant to consult with members of the public as regards the proposed development
- a list of bodies, groups and organisations who were consulted by the prospective applicant,
- evidence as to how the prospective applicant carried out the activities described above

- copies of—any materials sent to consultees, any materials provided to those attending a public event, any visual presentation shown or displayed at a public event, photographs of any display boards or models at public events
- confirmation as to whether consultees and attendees at public events were informed that pre-application consultation does not remove the right or the potential need to comment on the final application once it is made to the planning authority,
- a summary of the written responses to consultations, and views raised at public events, including an indication of the number of written responses received and the number of persons who attended the public events,
- an explanation of how the prospective applicant took account of views raised during the pre-application consultation process, and
- an explanation of how members of the public were given feedback on the prospective applicant's consideration of the views raised during the pre-application consultation process.

Please note that if a national or major application is submitted to the planning authority without Pre-Application Consultation the Council, as planning authority, will decline to determine it and it will be returned.

Further Information

[City of Edinburgh Council - Get involved in major development proposals](#)

[City of Edinburgh Council – Apply for major planning permission](#)

[City of Edinburgh Council - Community Councils](#)

[Scottish Government - TransformingPlanning.scot - Development Management](#)

[The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#)

[The Town and Country Planning \(Pre-Application Consultation\) \(Scotland\) Amendment Regulations 2021](#)

[Planning etc. \(Scotland\) Act 2006](#)

[**www.edinburgh.gov.uk/planning**](http://www.edinburgh.gov.uk/planning)

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