

note 1

WHEN IS PRE-APPLICATION CONSULTATION REQUIRED?

All national and major developments require developers to undertake pre-application consultation with communities. There are no National developments in Inverclyde.

Major developments are as follows:

1. **Housing** - construction of buildings for use as residential accommodation comprising 50 or more dwellings or a site area 2 hectares or greater in area.
2. **Businesses and General Industry, Storage and Distribution** - the gross floor area of the building is or exceeds 10,000 square metres or the site area is or exceeds 2 hectares.
3. **Electricity Generation** - the generating station has a capacity of or exceeding 20 megawatts.
4. **Waste Management Facilities** - the facility has a capacity of or exceeding 25,000 tonnes per annum.
5. **Transport and infrastructure projects** - the length of road, railway, tramway, waterway or aqueduct or pipeline does exceeds 8 kilometres.
6. **Fish Farming** - the surface area of water covered is or exceeds 2 hectares.
7. **Minerals** - the area of the site is or exceeds 2 hectares.
8. **Other Development** - any development not wholly falling within any single class of development categories 1 to 7 where the gross floor area of any building exceeds 5,000 square metres or the area of the site exceeds 2 hectares.

note 2

CAN I CONFIRM THAT PRE-APPLICATION CONSULTATION IS NECESSARY?

Where you are uncertain if a proposal will require pre-application consultation you may seek the Council's opinion. To do so you are required to submit a 'pre-application screening notice'. There is no fee for this service. The pre-application screening notice application form is available directly from the Regeneration and Planning Service, Cathcart House, 6 Cathcart Square, Greenock.

In preparing the notice, you should include enough detail within the general description of the proposal to enable the Council to determine the class of development within the new hierarchy. Any plan showing the site should be to a proper cartographic base e.g. Ordnance Survey and copyright acknowledged.

If pre-application consultation is not considered to be necessary, and the proposal does not then alter significantly prior to submission of a planning application within 12 months, the Council may not alter its initial view.

Pre-Application Consultation Applicant Notes for Guidance

note 3

WHAT HAPPENS IF PRE-APPLICATION CONSULTATION IS REQUIRED AND IT HAS NOT BEEN UNDERTAKEN?

The Council are required by legislation to decline to determine applications where pre-application consultation should have been carried out and was not.

Pre-application consultation can be carried out without submitting a pre-application screening notice if you are content that it is required. In most instances this should be clear from the definition of major and national developments.

note 4

BEFORE UNDERTAKING PRE-APPLICATION CONSULTATION

Before you undertake pre-application consultation you are required to submit to the Council a 'proposal of application notice'. This must be at least 12 weeks prior to the submission of the planning application. The 'Proposal of Application Notice' application form is available directly from the Planning and Housing Service, Cathcart House, 6 Cathcart Square, Greenock. The purpose of the notice is for you to explain with whom and when you will be undertaking consultation. To assist, a list of local bodies and interests with whom prospective applicants should consult in particular cases is available from the Council. If the Council consider additional consultation necessary, you will be informed in writing within 21 days.

The notice itself must be placed by the Council on the list of current applications which it maintains and makes publicly available. The submission of the 'Proposal of Application Notice' starts the pre-application consultation processing clock. After a minimum of 12 weeks, having carried out the statutory requirements and any additional requirements specified by the Council, you can submit an application for a major development or a national development along with the pre-application consultation report.

There is no specified time limit between when pre-application consultation is undertaken and when the related planning application must be made, although where the Council has provided a screening statement indicating that pre-application consultation is not required, a planning application must be made within 12 months for this screening statement to apply.

There is scope for proposals to alter between pre-application consultation and an application being submitted provided they are still within the general description detailed in the proposal of application notice. This, however, is at the discretion of the Council.

note 5

PRE-APPLICATION CONSULTATION

You are required to have a meaningful, proportionate engagement with those who can represent affected communities' views. The purpose of pre-application consultation is to improve the quality of applications, mitigate negative impacts where possible, address misunderstandings, and air and deal with any community issues that can be tackled. The proposals, if adjusted, should benefit from that engagement and assist the efficient consideration of applications once submitted.

The minimum consultation activity is as follows:

Every community council, any part of whose area is within or adjoins the land where the proposed development is situated, must be consulted. In doing so, you must also serve on the relevant community councils the proposal of application notice.

You must also hold of at least one public event for members of the public where they can make comments to the prospective applicant on their proposals. This public event must be advertised at least 7 days in advance in a local newspaper. Inverclyde Council places all planning notices in the Greenock Telegraph. The advertisement must include:

- a description of, and the location of, the proposed development;
- details as to where further information may be obtained concerning the proposed development;
- the date and place of the public event;
- a statement explaining how, and by when, persons wishing to make comments 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 Council. If the prospective applicant submits an application there will be an opportunity to make representations on that application to the Council.

Applications will gain less from poorly attended or unrepresentative pre application consultation events. You should therefore ensure that processes are put in place that will allow members of the community to participate meaningfully in any public event. It should be reasonably accessible to the public at large, including disabled people. It may be appropriate for "the" public event to take place over a number of dates, times and places. You should ensure that individuals and community groups can submit written comments in response to the newspaper advertisement.

You must emphasise to local communities that the plans presented to them for a proposed planning application may alter in some way before the final proposal is submitted as a planning application to the Council.

note 6

THE PRE-APPLICATION CONSULTATION REPORT

The report should:

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

The report is to be made in writing, and it should also set out how the applicant has responded to the comments made, including whether and the extent to which the proposals have changed as a result of pre application consultation.

It would be helpful if the report could also provide appropriate evidence that the various prescribed steps have been undertaken – e.g. copies of advertisements of the public events and reference to material made available at such events. It is also important to demonstrate that steps were taken to explain the nature of pre-application consultation and that it does not replace the application process whereby representations can be made to the Council.

The report must accompany the planning application when submitted. The Council are required to include it as part I of the planning register along with the application, plans and drawings.