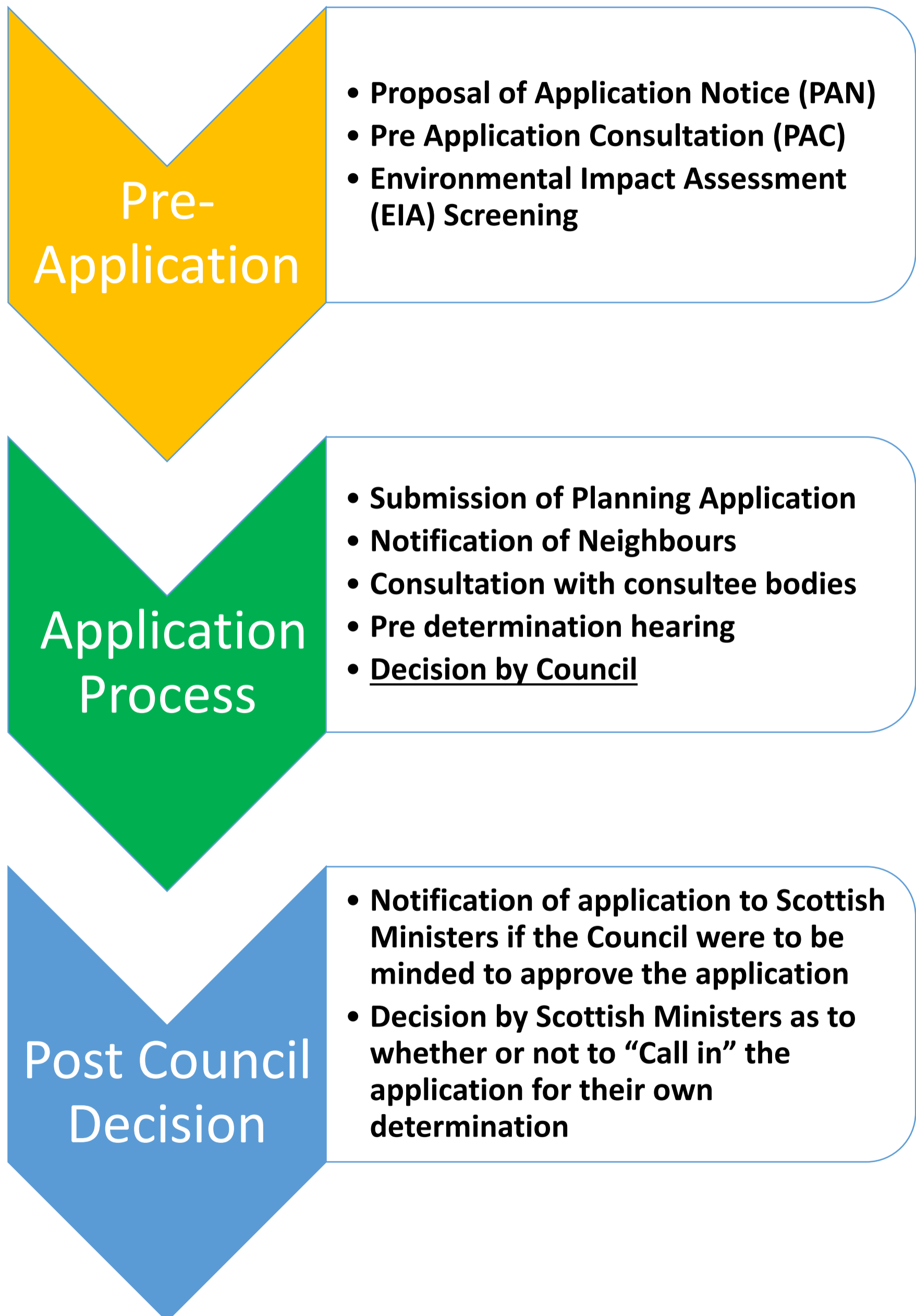


Proposed A701 High School - Planning Process



Action	Why is this action required?	What is involved	Legislative Requirements
Proposal of Application Notice (PAN)	Proposed developments that would constitute a "major" planning application are required to submit a Proposed Application Notice to the Local Planning Authority and undertake Pre Application Consultation (PAC)	Where PAC is required, the prospective applicant must provide to the planning authority a 'proposal of application notice' at least 12 weeks prior to the submission of an application for planning permission. That notice must include the following information: i) a description in general terms of the development to be carried out; ii) the postal address of the development site, if it has one; iii) a plan showing the outline of the site at which the development is to be carried out and sufficient to identify the site; iv) detail as to how the prospective applicant may be contacted and corresponded with; and v) an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take. This should include steps in addition to the statutory minimum for consultation.	The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 Planning Circular 03/2013 Development Management Procedures Planning Circular 3 2009 – Notification of Planning Applications The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (applies to all)
Pre Application Consultation (PAC)	Proposed developments that would constitute a "major" planning application are required to undertake formal Pre Application Consultation with local communities	The prospective applicant must consult every community council any part of whose area is within or adjoins the land on which the proposed development is situated. This may include community councils in a neighbouring planning authority. The prospective applicant must also serve on these community councils the proposal of application notice. The prospective applicant is required to hold at least one event for members of the public where they can make comments to the prospective applicant on the proposals. Notice of this 'public event' must be published at least 7 days in advance in a newspaper circulating in the locality of the proposed development. The notice for the public event must include: • a description of the proposed development and its location; • 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 planning authority and that there will be an opportunity to make representations on any resultant application to the planning authority. The prospective applicant should indicate in the proposal of application notice what consultation, if any, they will undertake in addition to the statutory minimum. The planning authority must respond within 21 days of receipt of the notice specifying any additional notification and consultation they wish to see undertaken (including that indicated by the prospective applicant) beyond the statutory minimum, in order to make it binding on the prospective applicant. If there is no response to the proposal of application notice by the planning authority within 21 days, it would be for the applicant to consider any subsequent request for additional consultation. In requiring additional pre-application consultation, planning authorities must have regard to the nature, extent and location of the proposed development and to its likely effects, both at that location and in its vicinity. Additional consultation requirements should be proportionate, specific and reasonable in the circumstances. Further advice on planning community engagement activity can be found in Planning Advice Note 3/2010: 'Community Engagement' In responding to a proposal of application notice, and given their powers to require additional consultation, planning authorities should be as clear as they can as to their expectations of matters to be included in the PAC report. In this way, the prospective applicant will be more readily able to show that the required steps have been undertaken. The applicant must prepare a report of what has been done during the pre application phase to comply with the statutory requirements for PAC and any requirements set out in the planning authority's response to the proposal of application notice. The report is to be made in writing (which may include being in electronic format).	As above
Environmental Impact Assessment (EIA) Screening	Development on sites of more than 0.5 hectares for an urban development project <u>potentially</u> falls within the definition of Schedule 2 EIA development	The Council undertakes a screening exercise to determine whether or not the proposed development is likely to have a significant effect on the environment. If yes, it would be necessary for an EIA to be submitted alongside the planning application itself	As above
Submission of Planning Application	The proposed development would be a "major" development requiring planning permission	As such the Scottish Government expects that such an application would be assessed within 4 months of registration by the Local Planning Authority	As above
Notification of Neighbours	The Local Planning Authority is required to consult the occupiers of neighbouring land by letter/site notice and to publish a newspaper advert in respect of proposed development that is contrary to the development plan	The Local Planning Authority will notify neighbouring land which is defined as "an area or plot of land (other than land forming part of a road ¹⁵) which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed." There is a minimum 21 day period to make any representations A Newspaper advert will be published in the local newspaper. There is a minimum 21 day period to make any representations	As above
Consultation with consultee bodies	The Local Planning Authority is required to consult identified statutory and other consultees	The Local planning Authority will send consultation letters to identified consultee bodies (internal and external) giving at least 14 days to respond	As above
Pre determination hearing	Pre determination hearings are required to be held in respect of	The Local Planning Authority organises a pre determination hearing which would provide for both the applicants and members of the public wishing to make representations.	As above

Action	Why is this action required?	What is involved	Legislative Requirements
	applications which are significantly contrary to the development plan		
Decision by Council	Applications which are subject to pre determination hearings are required to be determined by full Council.	The report on the application would be made by officers to a meeting of the full Council	As above
Notification of application to Scottish Ministers if the Council were to be minded to approve the application	Local Planning Authorities are required to notify the Scottish Ministers of applications where the proposed development would be significantly contrary to the development plan for the area and where the Council has an interest (as applicant/developer, or financial or other interest or to be located on land wholly or partly in the planning authority's ownership or in which it has an interest	The Local Planning Authority sends details of the planning application to the Scottish Ministers	As above
Decision by Scottish Ministers as to whether or not to "Call in" the application for their own determination	The Scottish Ministers consider whether the applications would raise such issues as to warrant the Scottish Government becoming the decision maker rather than the Local Planning Authority	Scottish Government Policy on "Call in" "However, there can be circumstances where proposed development raises issues of such national importance that it is reasonable for Scottish Ministers to call in a planning application from the local authority; in effect to take over the role of decision-maker. It is at Ministers' discretion whether to do so. For example, Ministers might choose to intervene in circumstances where a Government agency has expressed strong concerns about the impact of development on their national interests, or where the possible impacts or benefits of a proposed development extend well beyond the area of the local authority to the extent that they become of national importance. However, simply because a particular development proposal may be complex or controversial does not make it of strategic importance or of national interest. The existence of a substantial number of objections is not in itself sufficient ground to merit call-in for decision at a national level."	As above