



‘Pre-Application Consultation’ is a statutory requirement for specific community consultation that prospective applicants must undertake with communities for certain types of development.

This guide will explain what types of development pre-application consultation is required for and what this process involves.

In addition to this guide, the Council’s website has further advice and related guidance on [major planning applications](#).

Aims of Pre-Application Consultation

Pre-application consultation (often known as PAC) is a statutory requirement, which must be undertaken in advance of any planning application being submitted, for developments that are categorised as being either ‘major’ or ‘national’ developments. The aim of the process is to improve the planning system by strengthening the involvement of communities, at an early stage and to better reflect local views on proposed developments of national and major significance. This process has been in place since April 2009 and has been a requirement for all major and national development from that point.

Applicable Classes of Development

The classes of ‘major’ development are as defined in [The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#). ‘National’ developments are those projects of national significance identified in the Scottish Government’s [National Planning Framework](#).

The requirement for pre-application consultation is set out in Part 2 of the [Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#), (as amended by the [Town and Country Planning \(Pre-Application Consultation\) \(Scotland\) Amendment Regulations 2021](#)) and sections 35A & B of the [Town and Country Planning \(Scotland\) Act 1997](#) as amended by the [Planning Etc. \(Scotland\) Act 2006](#).

These procedures became effective for all applications submitted after 3 August 2009 in order to enable the mandatory pre-application consultation to be carried out in respect of any major and national applications submitted on or after that date. There is an exception to this; where applications submitted under Section 42 of the Town and Country Planning Act 1997 do not require pre-application consultation. These applications seek to “*develop land without compliance with conditions previously attached*” – essentially where a developer wishes to vary or remove an existing planning condition.

Pre-Application Screening

An applicant has the option to ascertain whether their proposal will be a major application or not and trigger the requirement of a 12-week period of public consultation prior to submission. This is known as pre-application screening notice. The Council should issue

the pre-application screening opinion within 21 days and the decision is then effective for a period of 12 months from its date of issue.

Proposal of Application Notice

A Proposal of Application Notice (PoAN) must be submitted for all major applications and a link to the required form is available from our [major application webpage](#).

Prospective applicants should aim 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.

Please note that the PoAN Application Form must include the date and location of the proposed consultation events. A minimum of seven days' notice must be given in the local newspaper before the first event takes place, and a second event must take place no less than 14 days after the first event. The second event should contain feedback from the first event.

A period of at least 12 weeks **must** elapse between serving the notice on the submission of a planning application to the Council.

Further advice on the planning of community engagement activity can be found in the Scottish Government's [Planning Advice Note 3/2010: Community Engagement](#).

Pre-Application Consultation Requirements

An applicant must consult all Community Councils within or adjoining the proposed development. A copy of the PoAN notice must be sent directly to these Community Councils. Details of which Community Council area a proposed development site lies within or adjoins can be obtained from the Council's [Community Councils webpage](#). It is also recommended that the [Perth and Kinross Council Ward Councillors](#) are sent a copy of the PoAN.

The Planning Authority should respond within 21 days after receiving the proposal of application notice and notify the applicant if the PoAN is acceptable or not.

In considering whether any additional consultation is required consideration will be given by the Council to the nature, extent and location of the proposed development and to the likely effects it would have at and in the vicinity of the proposed site.

The applicant is required to:

1. Hold a minimum of two public events where members of the public may make comments to the applicant. Depending on the scale and complexity of the proposal more than two public events may be recommended.
2. Publish in a local newspaper circulating in the locality in which the proposed development is situated a notice containing -
 - a) a description of, and the location of, the proposed development;

- b) details as to where further information may be obtained concerning the proposed development;
- c) the date and place of the public events;
- d) a statement explaining how, and by what date, persons wishing to make comments to the prospective applicant relating to the proposal may do so;
- e) a statement that comments made to the applicant are not representations to the Planning Authority and if the applicant submits a planning application there will be an opportunity to make representations on that application to the Planning Authority.

The first public event must not be held earlier than 7 days after the date and place of such an event has been published in a local newspaper circulated within the area of the proposed development, and the second public event should take place no earlier than 14 days after the first event.

It is worth noting that the consultation process requires applicants (not the Planning Authority) to provide the local community with information about their proposal; to answer any queries; and, where possible, to take account of local views, before a scheme is finalised prior to the subsequent submission of the planning application.

Applicants should ensure that processes are put in place that will allow members of the community to participate meaningfully in any public event. The Council will not normally have a direct role in pre-application consultation activities beyond their statutory roles in screening, responding to Proposal of Application Notices and considering pre-application consultation (PAC) reports when validating and determining planning applications.

The public events should be reasonably accessible to the public at large, including disabled persons. It may be appropriate for the public events to take place over a number of dates, times and places to ensure engagement reaches as wide a section of the community as is reasonably possible. The use of visual material for consultations events is strongly encouraged; this could be schematic or indicative layout plans or 3D representations of the development within the local context. Applicants should ensure that individuals and community groups can submit written comments in response to the newspaper advertisement.

There is a need to emphasise to local communities that the plans presented to them at this stage for a possible planning application may alter in some way before the final proposal is submitted to the Council. Even after pre-application consultation, communities should ensure that any representations they wish to make are submitted as part of the planning application process.

Pre-Application Consultation Report

When submitting a planning application for a 'major' or 'national' development the applicant must prepare and submit a Pre-Application Consultation (PAC) report detailing what has been done to comply with the requirements of the Planning Act and associated Regulations. The report must:

- specify who has been consulted;
- set out what steps were taken to comply with the statutory requirements and additional requirements of the Council;
- contain copies of all illustrative drawings, and any other materials, exhibited to communities at the pre-application consultation events; and

- set out how the applicant has responded to the comments made by the general public and consultees and including whether the proposals have changed as a result of pre-application consultation.

If the applicant is unable to make changes in response to public comments their reasoning must be included in the PAC report. It must also be demonstrated to the public that any representations during the 12 week public consultation period must be sent to the applicant and not to the Council. An opportunity to submit representations can be made to the Council when the planning application is submitted.

A major application received by the Council will not be validated without an accompanying PAC report that meets all of the statutory requirements. Under such circumstances, where an applicant has not carried out pre-application consultation in accordance with the Regulations, the application will be returned and should only be resubmitted when:

- The PAC report is sufficiently updated to contain the necessary information; or
- Following the expiration of 12 weeks after a valid Proposal of Application Notice (PoAN) is submitted to the Council and the required community consultation has been carried out.

**Perth & Kinross Council
Planning and Development
January 2023**