



**‘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, for proposals that are categorised as being either ‘major’ or ‘national’ developments. In these cases, PAC must be undertaken in advance of any planning application being submitted. The aim of the process is to improve the planning process by strengthening the involvement of communities at an early stage and provide opportunities to better reflect local views on the most significant developments. This requirement has been in place since 2009.

In certain circumstances, although there is no statutory requirement, it may be seen as good practice if local community consultation was undertaken for development proposals that fall below the thresholds and into the Local category. PKC would encourage prospective applicants to carefully consider a proportionate approach.

## **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](#).

Since 2009 these procedures have been mandatory. The only exception being that applications submitted under Section 42 of the Town and Country Planning Act 1997 do not require pre-application consultation. These applications seek to to “*develop land without compliance with conditions previously attached*” – essentially where a developer wishes to vary or remove an existing planning condition. In these cases, the development submitted after August 2009 would have already seen PAC undertaken and the condition is unlikely to significantly impact principles of the reasoning behind the original decision. Therefore, to undertake further PAC would likely be considered disproportionate, with the required neighbour and other notification procedure sufficient.

## Pre-Application Screening

An applicant has the option to ask whether their proposal will be a major application or not prior to submission of an application. 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. To avoid any unnecessary delays prospective applicants are advised to consider whether a development is likely to require recommendation of PKC is 15 weeks in advance of any potential application submission date (12 weeks + 21 days)

## Proposal of Application Notice

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

Prospective applicants should aim to have 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 notice should include:

- a clear and simple description of the development to be carried out;
- the postal address of the site, if it has one;
- a plan showing the outline of the site for which the development is to be carried out, this should be sufficient to identify the site in its locational context;
- contact/correspondence details for the applicant and agent.
- an account of the consultation the prospective applicant proposes to undertake including information as to when the consultation will take place (including dates and timings for the proposed consultation events), with whom and what form it will take. This should include any steps in addition to the statutory minimum for consultation.

A period of 12 weeks **must** elapse between serving the notice and the submission of a planning application to the Council. A planning application must be submitted and validated within 18 months of the submission of the PoAN. Once this timeline expires the pre-application process will require to be repeated – submission of a PoAN etc.

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 site. 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 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, complexity or any changes made to the proposals during the process more than two public events may be recommended. It should also be considered whether other means of public engagement would improve the reach and ease making comment, examples which have seen success include website, social media etc.
2. Publish in a newspaper circulating in the locality of the proposed development 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 location 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 prospective 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.

**Please note that both public events must not to be held earlier than 7 days after the date and place of such an event has been published in the agreed local newspaper, and the second public event should take place no earlier than 14 days after the first event.**

The Planning Authority should respond within 21 days after receiving the proposal of application notice (PoAN) and notify the applicant if the PoAN is acceptable or whether they consider any other persons should receive a copy of the notice or the requirement for any other consultation that must be undertaken.

### **Additional Requirements**

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.

In addition to the statutory minimum, Perth and Kinross Council may also request the following;

- i. a letter/leaflet distributed to the neighbouring properties in the local area.
- ii. the use of social media for publishing information in respect of the public consultation events, it is also useful to have a dedicated website for the public to view the consultation material and submit comments

- iii. Placement of posters/leaflets on public noticeboards, in public buildings or businesses in the local area

## **Meaningful Engagement**

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. All this should be before a scheme is finalised and prior to the subsequent submission of the planning application.

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

The public events should be reasonably accessible to all members of the public, including disabled persons and young people. It may be appropriate for the public events to take place over a number of dates, times and places to ensure engagement reaches a wide section of the community as is reasonably possible, considering likely availability patterns such as those who work, including shift work. Careful consideration should also be given when there are holiday periods, as an example it is not seen as best practice to overlap with the festive period.

The use of visual material for consultation 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 comments in response to the newspaper advertisement. Again, this may be in writing or via electronic means: email; website; social media page etc.

There is a need to emphasise to local communities that the plans presented to them during consultation may alter in some way before a planning application is submitted. In undertaking the consultation communities should be reminded that they can make further representations to the Council as part of the planning application process.

## **Pre-Application Consultation Report**

When submitted a planning application subject to PAC 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

A major application received by the Council will not be validated without an accompanying application 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

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