

National and Major Developments

An Agency Joint Statement on Pre-application Engagement



A Joint Statement by Architecture and Design Scotland, Forestry Commission Scotland, Historic Scotland, Scottish Environment Protection Agency, Scottish Natural Heritage, Scottish Water and Transport Scotland on pre-application engagement for National and Major Developments¹

Introduction

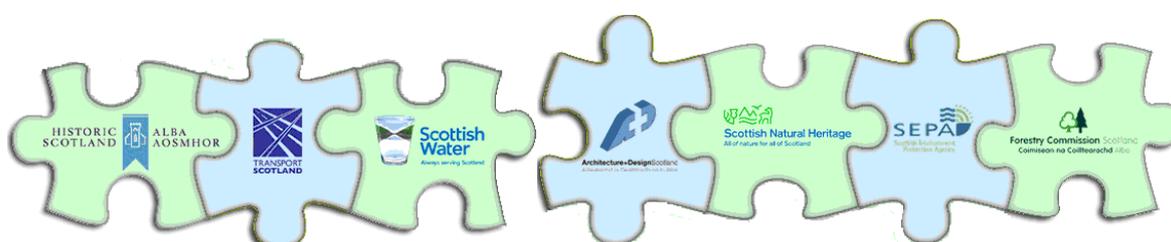
General

This joint statement sets out a practical framework by which the agencies will deliver their commitment to effective and timely pre-application engagement with developers and planning authorities in relation to developments of national or major significance. It affirms our commitment to contribute to sustainable economic growth through the planning system, by setting out how our resources can be used efficiently to provide individual or joint solutions to facilitate the right development in the right place.

Scottish Planning Policy states that “Pre-application discussions between prospective applicants, key agencies and planning authorities are vital to ensure all parties have a shared understanding of the nature of a proposed development, information requirements and the likely timescales for determination”.

Agencies have different roles and responsibilities within the planning system, but this framework, informed by experience of how pre-application engagement is working in practice, sets out

¹ As defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009



common ground on how effective agency pre-application engagement can best be achieved when developments of national or major significance are proposed.

Currently the agencies signed up to this common framework are Architecture and Design Scotland, Forestry Commission Scotland, Historic Scotland, Scottish Environment Protection Agency, Scottish Natural Heritage, Scottish Water and Transport Scotland. We are committed to review, and will welcome other agency involvement through amendments to incorporate their interests. We have developed this framework with input from other stakeholders, and it will continue to evolve with input from developers and planning authorities as it is used in practice.

Plan-led system

We are committed to collaborative approaches to preparing up to date development plans, led by planning authorities, and involving all stakeholders. In such a plan-led system we consider that the development plan is the basis on which we engage in development management and therefore how we engage in all pre-application discussions.

Responsibilities

Engagement

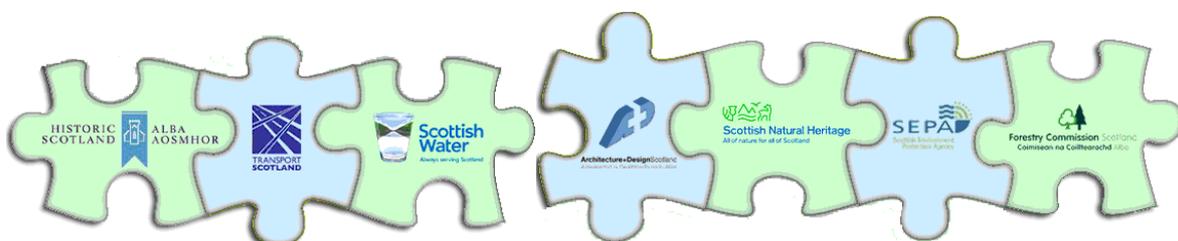
Pre-application engagement should be seen as an integral part of the planning process. The benefits of effective pre-application engagement can lead to a more efficient planning application process with shorter timescales and more effective use of resources.

This framework specifically addresses Major and National Developments in the planning hierarchy, but can be used as guiding principles for agency involvement in other consent procedures.

Pre-application engagement is a separate and wider process than the formal requirement for developers to carry out community engagement ('Pre-Application Consultation) for Major and National Developments.

This framework is not intended to be a set of fixed rules. Instead, it is a commitment by the agencies to effective engagement and a set of overall principles to guide good practice. Each agency will have differing interests and levels of involvement at different times; it is not possible to develop a one size fits all approach to cover every situation. Nevertheless, in relation to national and major developments each agency shares a common commitment to ensure all parties have a shared understanding of the nature of a proposed development, to be clear about what information is essential while reducing information requirements and to agree a timetable for input to give clarity on the likely timescales for determination.

Pre-application engagement has the additional benefit of identifying the range of consents that may be needed outwith planning and potential information requirements for these consents and hence how duplication of effort can be avoided. For the agencies, it is also useful to ensure that our information requests are complementary.



Agencies

Where we are made aware of or invited to participate in pre-application discussions on national or major developments we will respond setting out how and when we can be most effectively engaged and make the most efficient use of our resource. Where resource allows:

- We will be pleased to engage in both formal processing agreements and informal pre-application engagement arrangements.
- We will work together to provide solutions to problems, thereby assisting planning authorities to reach a balanced view on what can be seen as competing priorities.
- We will identify as early as possible in the evolution of a proposed development if there is an insurmountable difficulty for one or more of the agencies, to avoid unnecessary effort and expense on the part of the developer and others.
- We will attend early meetings with developer and planning authority to discuss a proposal and how it will be taken forward.
- We will engage in detail on the casework where we can add most value to the process.
- We will provide written advice rather than attend meetings where this is the more helpful manner of providing input.

Where approached directly by a developer we will let the planning authority know of this contact.

Where we consider site-specific advice is not required, we will direct our customers to standing advice. There is a range of good practice guidance available on the agencies' websites.

Planning Authorities

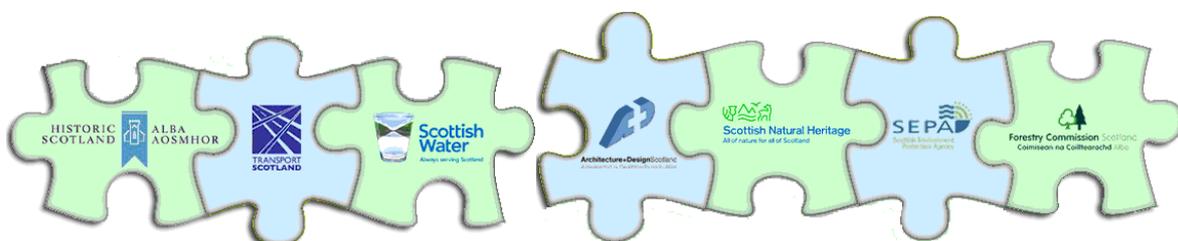
From our experience, pre-application engagement is always most effective when led by planning authorities.

Planning authorities can also assist by informing agencies of all other agency involvement when this is not apparent. An example would be where all agencies with an interest in the proposal have not attended an early meeting.

Our input should be sought by the planning authority where there are significant issues for us. Examples of these are:

- Transport Scotland and Scottish Water - where our input is necessary to deliver a project on the ground
- Historic Scotland and Scottish Natural Heritage - where impacts on our interests are in conflict with national or European legislation and policy
- Scottish Environment Protection Agency - where an issue such as flood risk can go to the principle or layout of a development.

Sufficient notice of meetings is required to ensure the most appropriate Agency staff are involved at an early stage.



Developers

Pre-application engagement is most effective when developers are clear from the outset on what they want and provide key information early in the process. Developers need to work with us: we will request only information that is strictly necessary for us to provide certainty, and developers need to provide that information.

Links

To assist planning authorities and Developers in knowing when to involve us, we provide a guide to our work areas in relation to Major and National developments.

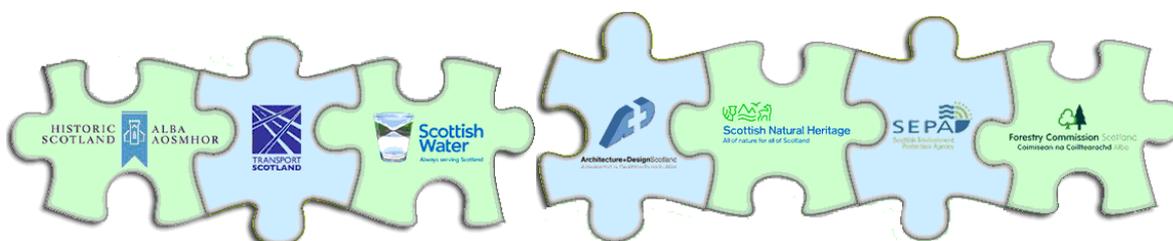
By using the link below advice is provided for each agency under each of the following headings:

- (i) Development Management Guidance
- (ii) Development Planning Guidance
- (iii) Data Available On Website
- (iv) Data Available On Request

Contacts in each agency in relation to these areas are also provided on our websites.

Although this guidance note relates to pre-application engagement on National and Major developments, guidance on our engagement on other issues may also be available by following relevant links.

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/modernising/cc/guidance>



Advice

Certainty

Where achievable, we will aim to work with applicants to find solutions to help proposals to progress. We will also seek, as early as possible, to identify constraints of such significance that would make it difficult or achieve planning permission or other consents. However, we should recognise that the advice we offer will lose its relevance over time because of the following factors:

- Age of the relevant development plan;
- Changes to legislation, policies, technical standards and specification;
- Unforeseen pressure on infrastructure and the environment from development not allocated within the development plan which raises issues of cumulative impact for later applicants;
- Significant changes to the proposal.

To avoid difficulties, if time has passed between initial advice and a planning application being lodged, there may be benefits in checking with the relevant agencies to ensure that circumstances have not changed.

Data Handling

We as agencies are all committed to best practice in data handling under Freedom of Information and Environmental Information legislation.

We will treat all requests for information individually. There is a presumption that all information requested will be made available, unless this release is excluded by the relevant legislation. We operate on the presumption that any information in the public domain held by us can be made available, including information from agencies to planning authorities. We will not release commercially sensitive and personal information.

Areas of Agency Interest

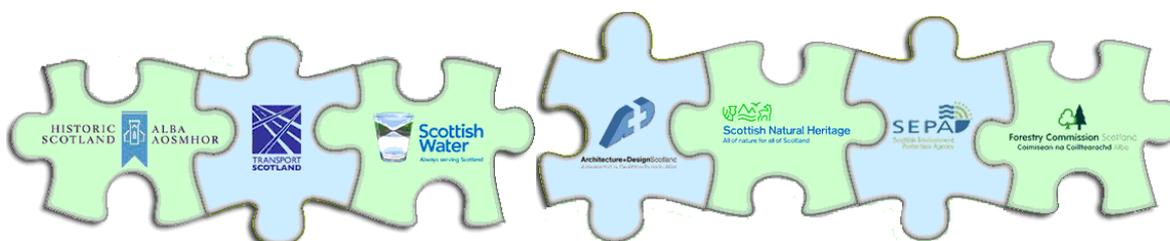
General

We set out below the circumstances when we wish developers and planning authorities to include us in pre-application engagement on national or major developments. It should not be taken as definitive as there will require to be an assessment of the significance of the development in relation to each of these interests on a case by case basis.

Architecture and Design Scotland (A+DS)

In general, A+DS engages with pre-application processes in two ways:

- through Design Review (primarily projects). Design Review is committed to early pre-application consultation, and seeks to achieve the best possible outcome (i.e. a *problem solving approach to regulation* is central to Design Review).
- through the Urbanism programme (primarily policy) which focuses upstream to inform better plan making and set the context within which projects are developed.



Forestry Commission Scotland (FCS)

FCS serves as the Forestry Directorate of the Scottish Government. FCS's mission is to protect and expand Scotland's forests and woodlands and to increase their value to society and the environment. FCS will therefore have an interest in major developments that have the potential to impact on local forests and woodlands and/or on the forestry sector. FCS would therefore welcome engagement in the pre-application process in the following circumstances:

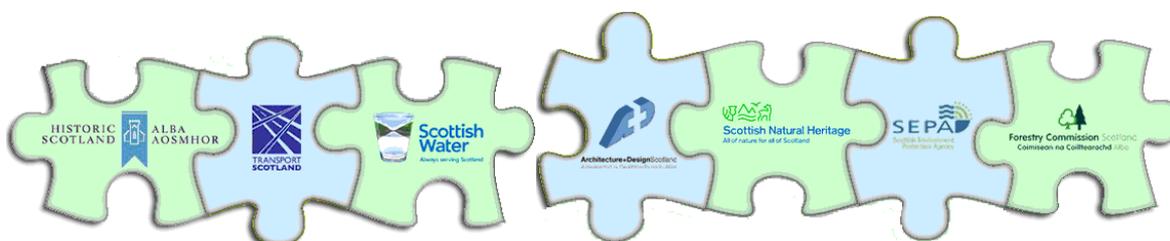
- Where development may result in the felling/removal of a significant area of woodland;
- Where there is potential associated with development to plant significant numbers of trees or new areas of woodland (e.g. masterplanning for major housing developments);
- Woody biomass renewable heat and energy installations, where the development has the potential to impact significantly on local timber/wood supply chains (i.e. the proposed output from the development exceeds 1MW of energy or 5MW of heat); and
- Large scale infrastructure projects (i.e. road, rail, energy and gas installations) where the routing options pass through significant areas of woodland.

Historic Scotland (HS)

- Any development where HS has identified at the development plan stage that we want to be involved
- Any development that involves demolition of a listed building
- Any development that involves demolition of an unlisted building in a conservation area
- Any development where there is an Environmental Impact Assessment which has scoped in the historic environment
- Any development that has an impact on the setting of an A listed building
- Any development that has an impact on the site or setting of a scheduled monument
- Any development which, as a major component, involves significant alterations to a listed building (for example, where a listed bonded warehouse forms the most substantial part of the development)
- Any development that has an impact on the site or setting of a garden or designed landscape included in the *Inventory of Gardens & Designed Landscapes in Scotland*
- Any development that has an impact on the site of a battlefield included in the *Inventory of Historic Battlefields in Scotland*

Scottish Environment Protection Agency (SEPA)

- Protection of people, property and infrastructure from flood risk.
- Promotion of sustainable waste management.
- Protection of the water environment (both surface water and ground water).
- Risks to the environment or human health arising from development on or near radioactively contaminated land and on or near a designated Part IIA Special Site.
- Protection of the marine environment.
- Good air quality.
- Noise and odour in relation to processes regulated by SEPA (protection of residential amenity, sensitive receptors).
- Potential consentability under SEPA's regulatory regimes (show-stoppers only).



The following are issues where we are looking with other agencies to clarify roles and responsibilities before providing advice;

- Sustainable development, including integration of sustainable design principles.
- Sustainable economic growth.
- Climate change.
- Protection of soil functionality.
- Energy (including renewable energy) generating issues (SEPA will continue to comment, in relation to processes regulated by SEPA, energy efficiencies and use)

Scottish Natural Heritage (SNH)

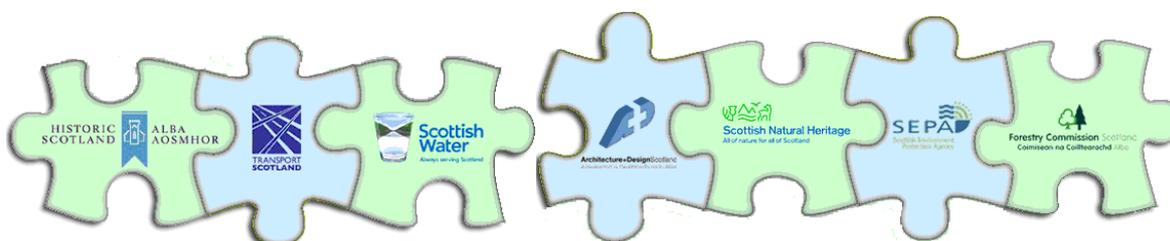
- Cases affecting European sites: Special Protection Areas, Special Areas of Conservation and candidate sites collectively known as Natura sites, and Ramsar sites; development proposals which require an Environmental Impact Assessment
- development proposals affecting Sites of Special Scientific Interest including National Nature Reserves
- certain types of development in National Scenic Areas that meet the criteria as outlined in the TCP (Scotland) NSA Direction 1987
- cases that involve the winning and working of peat for commercial purposes
- cases that could have significant repercussions on major accident hazards.
- Please follow link to SNH's Service Statement : <http://www.snh.gov.uk/docs/A498949.pdf>

Scottish Water

Scottish Water is keen to engage in pre-application discussions/consultations for site development which meets, but is not restricted to, the following criteria:

- Sites which are categorised as 'Major' developments under planning guidelines, and which involve the following scenarios:
 - 1) site construction within the catchment of Scottish Water reservoirs, and close proximity to of any Scottish Water asset.
 - 2) when discussion is required to support and resolve cross Agency impact of a development (for example, Transport Scotland or SEPA).
 - 3) sites which may pose a contamination risk to raw water supplies.
- Sites which may generate a substantial impact to water or waste water capacity provision from our treatment assets.
- Any site not included within the Local Development Plan or Strategic Development Plan.
- Any site previously highlighted in Local Development Plan consultations.

These criteria are not exhaustive, and, where relevant, any development location (regardless of scale) which has an impact on the public water or waste water network could have a requirement for pre-consultation. Scottish Water will assess this need case by case to ensure proportionate pre-consultation support is provided.



Transport Scotland

Planning authorities are required to consult the Transport Scotland, as trunk road authority, in relation to planning applications affecting existing or proposed trunk roads or special roads under the following circumstances:

- Proposed development within 67 metres of a trunk road;
- Where the development consists of, or includes, the formation, laying out or alteration of any means of access to a trunk road;
- Where the development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving the road (this can be taken to mean generally 10% in an unconstrained network and 5% in a constrained situation. However, in particularly constrained situations any increase will be considered significant);
- Where the development affects a proposed trunk road.
- Where the proposed development is a motorway service area or provides refreshments, fuel or parking within an existing motorway service area or within 400 metres of a motorway; or
- Where the proposed development provides refreshments, fuel or parking and is greater than 2ha within 1km of a motorway

It should be recognised that in certain instances with regard to the third bullet point above the nature and scale of a development can be such that it will impact upon the trunk road network even when it is some distance from the trunk road. In such instances, Transport Scotland should be consulted.

