
NORTH AYRSHIRE COUNCIL

4 November 2020

Planning Committee

Title:	Proposed changes to pre-application consultation (PAC) requirements: consultation by Scottish Government
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Purpose:	To approve the Council's response to the consultation on changes to pre-application consultation.
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Recommendation:	That the Planning Committee approves the consultation as per Appendix 1.
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1. Executive Summary

- 1.1 The requirement for Pre-Application Consultation (PAC) was first introduced in 2009 as part of a wide-ranging package of reforms to the Planning System in Scotland. One of the key elements of PAC is the need for prospective applicants to hold at least one public event in the community affected by a major development proposal in advance of the submission of the major category planning application.
- 1.2 A consultation was published by the Scottish Government in August 2020 recommending an additional public event to allow for greater discussion of proposals.
- 1.3 A draft response to the consultation has been prepared and is attached as Appendix 1 to this report.

2. Background

- 2.1 PAC applies to major and national applications. It requires prospective applicants to consult with local communities affected by proposed major developments before submitting their planning applications to the local planning authority. For example, all housing developments over 50 units are categorised under the major applications category. In North Ayrshire, there have been over 80 major planning applications submitted to and considered by the Council under the current arrangements, mostly for housing developments. Over this period, there have been no national developments in North Ayrshire.
- 2.2 The proposed changes to PAC are the first part of a wider package of measures aimed at improving community engagement in planning matters and building public trust.

- 2.3 The proposals for changing PAC follow a report by the Independent Panel which was tasked with reviewing the Scottish Planning system, 'Empowering Planning to Deliver Great Places' (May 2016).
- 2.4 The Empowering Planning report referred to concerns that PAC can be a 'tick box' exercise and that there was a lack of feedback to communities on their views in the pre-application phase – i.e. prior to the finalised application being made. Although they are required to listen and consider the views of communities, prospective applicants are not bound to make changes to their proposals as a result of PAC.
- 2.6 The report recommended an additional public event to allow for greater discussion of proposals. Subsequent consultation indicated a need for clarity and transparency. Accordingly, the current consultation seeks views on the outcome of previous work prior to the Scottish Government taking forward the proposed legislative changes.
- 2.7 The Scottish Government advise that the proposed changes to PAC are the first part of a wider package of measures aimed at improving community engagement in planning matters and building public trust.

3. Proposals

- 3.1 It is proposed that the Council responds to the 20 questions set out in the PAC consultation as per the responses provided in Appendix 1.
- 3.2 In summary, it is recommended that the Planning Committee agrees that a second public event should be held as part of PAC in order to ensure the views of local communities are more fully considered when major and national planning applications are being prepared.

4. Implications/Socio-economic Duty

Financial

- 4.1 None.

Human Resources

- 4.2 None.

Legal

- 4.3 The consultation relates to proposed changes to the planning legislation. If changes are enacted by the Scottish Parliament, the Council would have a duty to ensure their implementation as part of its statutory planning functions.

Equality/Socio-economic

- 4.4 The consultation aims to improve equality in relation to public participation on major and national planning applications.

Environmental and Sustainability

4.5 None directly associated with the consultation.

Key Priorities

4.6 The proposed changes to PAC would support the Council's Priority for Aspiring Communities of 'Active and Strong Communities'.

Community Wealth Building

4.7 None.

5. Consultation

5.1 This committee item reports on and outlines a response to a current Scottish Government consultation. Its purpose is to help the Scottish Government ensure that legislation to be laid at the Scottish Parliament has been subject to public consultation across Scotland.

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For further information please contact **Anthony Hume, Senior Development Management Officer**, on **01294 324 318**.

Background Papers

<https://consult.gov.scot/planning-architecture/pre-application-consultation-requirements/>

Appendix 1

Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning (Scottish Government, 13th August 2020)

Response by North Ayrshire Council

1. Do you agree with the proposal to require the PAC information, which is to be made available to the public, to be available by both electronic means and in 'hard copy' format?

Response: Yes. However, hard copy formats should be placed in public libraries or other public buildings accessible to the community affected by the proposal, in addition to the Council's Planning office.

2. Please give us details of your experience using online alternatives to public events during the COVID-19 emergency?

Response: North Ayrshire has had no experience of online alternatives to public events since no major applications have been proposed during the COVID-19 emergency, to date.

3. Do you agree with the proposal to make a second physical public event a minimum requirement of PAC?

Response: Yes, and would also consider the need to significantly enhance digital methods including the use of webinars and other forms of online public engagement. The presentation materials typically used in 'drop-in' type public events often do not provide members of the public with an adequate understanding of development proposals. More use of 3D modelling technology, for viewing remotely, would greatly assist. Traditional 2D photos, artist's impressions and architectural drawings can fail to convey essential spatial impacts.

4. Do you agree that a second physical public event required as part of PAC must include feedback to the public on their earlier engagement in PAC?

Response: Yes, as well as a commitment to the concept of 'You Said, We Did' as used by North Ayrshire Council during several of its major school campus projects in recent years.

5. Do you agree with the proposed minimum time period between the required public events in PAC?

Response: Yes we agree that the proposed minimum time period of 7 days is appropriate.

6. Do you agree with the proposed requirement for an additional newspaper notice for the second required public event?

Response: No. Those who participated in the first event should be invited to comment again and other publicity measures to the wider community should be more targeted.

7. Do you agree with the proposed list of required content for PAC reports?

Response: Yes, since this may help to provide a consistency in report format in the interests of legibility, transparency and accountability.

8. Do you agree with the PAC exemption being limited to the same applicant who made the earlier application?

Response: Yes.

9. Do you agree with the circumstances regarding an 'earlier application' (withdrawn, refused, etc.) in which a second application would be able to get exemption from PAC?

Response: Yes. Over-consultation with communities can be a source of fatigue although in situations where there has been significant opposition to a development that was subsequently approved, there may be concerns over this approach.

10. Do you agree with the approach to linking the description of the proposal in the earlier application and that in the second application for the purposes of a PAC exemption?

Response: Yes.

11. Do you agree that the exemption from PAC should be linked to the content of the PAN served in relation to PAC for the earlier application?

Response: Yes as the amendments would not be substantial.

12. Do you agree with the proposed time limit on exemptions from PAC?

Response: Yes (18 months).

13. Do you agree with the proposed transitional arrangements for bringing into force the new PAC requirements, including the time limit for making applications to which PAC requirements apply?

Response: Yes.

14. Please give us your views on the proposed approach to pre-application engagement with disabled people?

Response: The issue of disability has not been fully explored in the consultation other than to note that guidance would be prepared. In considering such guidance, due regard must be had to the wide range of disabilities which may affect the potential of an individual or group to engage with public consultations. Disability is not simply about access and a much wider range of factors which needs to be taken into account in the guidance.

15. Please tell us what issues you think should be covered in guidance for PAC?

Response: First and foremost, guidance should be clear, concise and easy to follow. It should avoid constant use of acronyms and jargon, and should be clear enough for prospective applicants to follow, with flow charts to assist the route they need to pursue. Timelines should be clearly indicated so that a 'step by step' approach is embedded. The guidance should be unambiguous and thus avoid the need for interpretation by planning authorities, to minimise variations in practice between authorities. There should be separate guidance for the public to follow too.

16. Please give us any views you have on the content of these partial BRIA (Business and Regulatory Impact Assessment) and combined EQIA/CRWIA (Combined Equalities and Child's Rights and Welfare Impact Assessment).

Response: No comments.

17. Do you have or can you direct us to any information that would assist us in finalising the BRIA and combined EQIA/CRWIA?

Response: No comments.

18. Please give us your views on the Island Communities Impact Assessment screening paper and our conclusion that a full assessment is not required.

Response: No comments.

19. If you consider that a full Island Communities Impact Assessment is required, please suggest any information sources that could help inform that assessment.

Response: No comments.

20. Please give us any general comments on the PAC proposals or related issues not covered by earlier questions.

Response: No further comments.