

Planning and Economic Development Services

A Pre-Application Guide for Major Developments



Objective

The Moray Council is committed to delivering a Major Pre-application planning service to assist in identifying key issues and information that will need to be submitted as part of a major planning application. To ensure these objectives are delivered procedures have been put in place for dealing with pre-application advice for major planning applications.

This guidance outlines the process that The Moray Council will follow to provide efficient pre-application advice to developers within Moray to support the local economy.

There is a fee for the provision of this service. Please refer to the councils web site for scale of fees.

Major Developments

Categories of Major Development

The definition of "major development" is set out in regulations which came into force on 6 April 2009. The Moray Council wishes to encourage developers with proposals for major development which fall within these categories defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulation 2009, to contact us and participate in the pre-application advice process for delivering major developments. The table below details the criterion/threshold for major developments:

Type of Development	Threshold/Criterion
Housing	50 or more dwellings; or The total area of the site is or exceeds 2 hectares.
Business and general industry, storage and distribution	The floor area of the site is or exceeds 10,000 square metres; or The total area of the site is or exceeds 2 hectares.
Electricity Generation	The capacity of the generating station is, or exceeds 20MW.
Waste Management Facilities	The capacity of facility is or exceeds 25,000 tonnes; or if used for sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day.
Transport and Infrastructure projects	The length of the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres
Fish Farming	The surface area of water is or exceeds, 2 hectares.
Minerals Development	The total area of the site is or exceeds, 2 hectares; or The gross floor space of any building, structure or erection constructed as a result of such developments, or exceeds 5,000 square metres
Other Development not classed within any single class of the above development	The total area of the site is or exceeds, 2 hectares.
Any Development which falls under Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999.	

Early Design Advice

Developers are invited to enter into early dialogue with the Council about the design and layout of their proposed development as this allows the design of a development to be worked on collaboratively from the outset. The benefits are three-fold: a greater understanding of both parties issues and constraints; a high quality development that adheres to the Council's design policies and guidance; and a reduction in potential delays in the determination of a planning application necessary to address design issues and carry out re-consultation.

The Council is fully committed to achieving a high standard of design through the [Moray Local Development Plan 2015 \(LDP\)](#) primary policy PP3 Placemaking, and [Urban Design Guide](#). Scottish Government policy on Creating Places and Designing Streets and the SCOTS National Roads Development Guide will also be taken into account along with any other relevant material considerations when issuing design advice.

The purpose is to ensure that development is designed to a high standard in that it encapsulates the 6 key qualities of a successful place: distinctive, safe and pleasant, easy to move around, welcoming, adaptable and resource efficient.

The advice provided can be used to inform the Design Statement to be submitted with a major planning application for development proposals for the following types of development:

- **Residential:** 10 houses and more in towns and villages, and 5 houses and more in rural groupings as defined in the LDP; and;
- **Commercial:** 500 square metres floorspace and above.

Applicants will be encouraged to prepare a quality audit using the template attached at pre-application and as supporting information to accompany a formal planning application. Where applicants choose not to submit a quality audit, a team of officers will carry out the audit, based upon their understanding of the proposal. The proposed audit uses a traffic light system;

- applications should aspire to score green
- where applications score amber, officers will try to identify improvements to move towards green through mitigation measures to be discussed with the applicant
- applications should not be scoring red

Making a Request

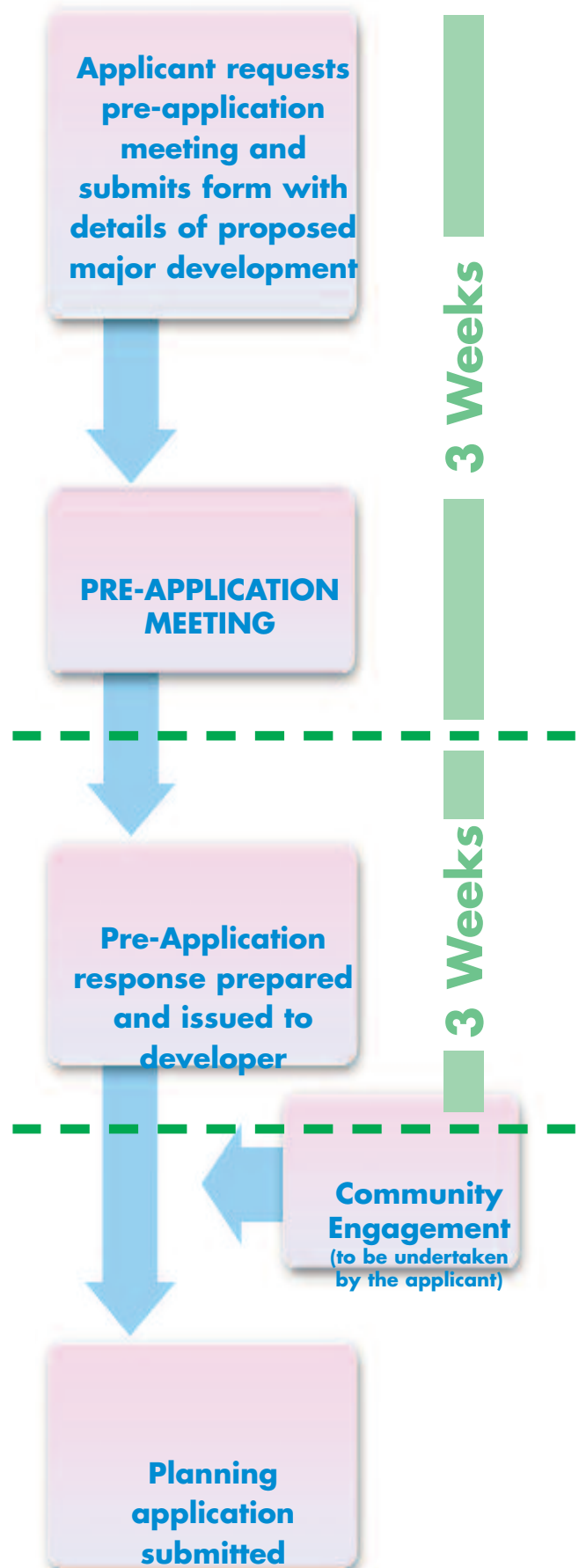
As a developer you will need to complete a form to request a pre-application meeting, pay the fee and submit details of your proposed major development. This form outlines the details that we need to be able to give you appropriate pre- application advice. However, the more detailed information you are able to provide at this stage the more informed our advice will be. To enable a quality audit to be carried out for residential developments a detailed layout would need to be provided.

The Process

A pre-application meeting is arranged in advance and these held monthly. A list of dates are published on our website in advance. The meeting will include representatives from the Moray Council Services such as Transportation and Environmental Health and external key agencies such as Scottish Environmental Protection Agency (SEPA), Scottish Natural Heritage (SNH), etc. Depending on the type of development other representatives may be invited to the meeting by the Council.

At the meeting you will be asked to outline your proposal. This will then allow an informal discussion between all parties, with the opportunity to ask questions and seek clarification on specific elements of the proposal. This will assist with the provision of guidance in the form of a pre-application response. Where there is a detailed layout provided for a residential development and where it is.

And it is deemed appropriate a detailed design discussion can also be embedded at the meeting to be held with just the core design team who will then go on and prepare the quality audit based on the detailed proposals.



Pre-Application Response

Within four weeks of the pre-application meeting, you will be issued with a pre-application response and a quality audit (where appropriate) which will detail the main issues of the discussions identified at the meeting regarding your major proposal. The response will normally contain an outline of the following principle issues although these may vary dependent on the nature of the proposal:

MAIN ISSUES	Types of information
Policy	The principle of the development and any planning policy relating to the site.
Site Constraints	Specific site constraints identified on the site.
Design	A copy of the quality audit carried out with specific comments on materials, design and scale (see example).
Transportation	Requirements for Transport Assessment, servicing, access and parking standards, public transport requirements, cycle parking.
Amenity/Nature Conservation	Who may be affected, need for surveys i.e. Noise Impact Assessment, Tree and Wildlife (habitat/protected species) surveys.
Planning Obligations	Developer contributions, taking into account Council policy and the potential impacts of the proposed development.
Flooding & Drainage	Need for Flood Risk assessment and or Drainage Impact Assessments.
List of key documents/information	Information and documents that have been identified to be required to be submitted as part of your application. For major applications a Design and Access Statement and a pre-application consultation report are a pre-requisite.

The advice will make it clear when a proposal is wholly unacceptable as it conflicts with policy and guidance. We will also make it clear where we consider that modifications or amendments could make your proposal acceptable in principle.

Submission of Major Applications

Once you submit a major planning application, we will try to ensure that there is consistency with the case officer for the formal application normally being the lead Principal/Planning Officer who attended the pre-application meeting and prepared the pre-application advice.

DISCLAIMER

The Council will make every effort to try and make sure that the advice given in the pre-application response is as accurate as possible. However any advice given by Council officers for pre-application enquiries does not constitute a formal decision of The Moray Council with regards to any planning application and cannot be held to bind The Council in its formal determination of any subsequent application. If an application is received and fails to take on board the advice provided in the pre-application advice response, The Council may refuse it without further discussion with the developer.

There is a possibility, that under the Freedom of Information Act, The Council will be asked to provide information regarding enquiries for pre-application advice and copies of any associated correspondence. An accompanying letter should set out the reasons why, and for how long, any information relating to the case needs to remain confidential. Unless you indicate, the submitted details will not be treated as confidential.

For more information about this advice note please contact:

Beverly Smith

Manager (Development Management)
Development Management
The Moray Council
Council Offices
Elgin IV36 1BX

Tel: 01343 563276

Fax: 01343 563263

Email: beverly.smith@moray.gov.uk