

Proposal of Application Notice (PAN) Customer Guidance Note



An integral part of the Scottish Government's [Modernising Planning Agenda](#) was to increase the level of community engagement and involvement. The 2006 Planning Act introduced the requirement for Pre-Application Consultation (PAC) with local communities for all [major and national developments](#) submitted after 3rd August 2009. (See [Development Management Procedure Regulations 2013](#) and [Circular 3/2013](#) for legislative background)

There are effectively 3 steps to this process:

1. Notifying the Council and the Community Council of their intention to consult with the community.
2. Consulting with the community to gather their views on the proposed development.
3. Summarise the comments received and how these were taken into account when finalising the proposed development.

Step 1 – Proposal of Application Notice (PAN)

A Proposal of Application Notice (PAN) is submitted by the developer to the Council. It is not a planning application but a notice to the Council advising of how the developer intends to engage with the community about their proposal. This allows the community to put their views directly to the developer. The developer will also issue the PAN to Community Council(s). A planning application cannot be submitted until a minimum of 12 weeks has lapsed since a PAN has been submitted to the Council.

The PAN outlines what the developer wishes to apply for planning permission for, including a general description of the proposals in addition to what Pre-Application Consultation (PAC) activities will be undertaken and must include two 'public events' as part of the consultation. The Council can require additional consultation activities to be undertaken but must advise the developer to do so within 21 days of receipt of the PAN. Guidance for developers is available through National Standards of Community Engagement and a Consultation Handbook.

Appendix 1 attached to this Customer Guidance Note sets out the Council's expectations in terms of public engagement in Fife. The PAN and PAC events should follow this guidance as closely as possible with justification being given where this guidance is not followed. The application form can be accessed from the ePlanning site [here](#).

Step 2 – Pre-Application Consultation (PAC)

The Pre-Application Consultation sees the developer carrying out the community engagement as per their PAN. The PAC allows the local community to learn about the proposed development and submit any comments directly to the developer prior to the developer finalising their proposal and submitting their planning application. At this stage, comments should be made to the developer and not the Council. The Council can only consider comments on the proposed development once the formal planning application has been submitted following the PAC.

Step 3 – PAC Report

The developer is required to summarise the comments received during the Pre-Application Consultation into a report, known as a PAC report. The PAC report must also outline all consultation activities that were undertaken, comments received and how any responses have been considered in the finalisation of the proposals. The Council cannot accept a planning application for a National or Major development without a PAC report. Appendix 2 to this Customer Guidance Note provides a useful table to provide the relevant information related to the PAC events and should be included within the PAC report. Once a planning application has been submitted, the Council can then accept comments on the proposed development and will take these in to account in our determination of the application.

Consultation with Communities - Appendix 1

Proposal of Application Notice (PAN) and PAN Event

The purpose of this guidance is to set out what Fife Council considers to be a minimum set of requirements for the public consultation associated with a PAN and the Public Event associated with a PAN notice for the purposes of clarity and consistency. While this is the minimum requirements expected, some developments may be worthy of a greater level of public consultation and the Council would recommend that any applicant go beyond these minimum requirements particularly for developments of significant scale. Should the PAN submission or eventual public events not meet these minimum requirements then the PAN may be made invalid or the Council may decline to determine any subsequent application.

PAN

As a minimum the PAN shall contain the information set out within section 35B of the Planning Etc (Scotland) Act 2006 and Regulation 6 of the Town and Country Planning (Development Management Procedures (2013) as amended. These are:

1. A description in general terms of the development to be carried out;
2. The postal address of the development site, if it has one;
3. A plan showing the outline of the site at which the development is to be carried out and sufficient to identify the site;
4. Detail as to how the prospective applicant may be contacted and corresponded with; and
5. An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take. This should include steps in addition to the statutory minimum for consultation.

The Proposal of Application Notice must be fully completed and shall include the dates, times and venue(s) for any events. The information on the second event may not be known at the time of the PAN submission and this may be submitted later. This must be provided at least 7 days prior to any event for consideration by Fife Council.

Public Event

Regulation 6 of the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 provides guidance on the public events requirements. The following bullet points outline the requirements of a PAN Public Event within Fife:

- Developers are to undertake at least 2 public events. The first event should collect views on the proposal and allow the public to feed into the design process. The second event should outline how those views have been addressed through any updated design or mitigation measures. This will allow a full public consultation process prior to submission.
- The events must be run for a minimum of 4 hours and must take place for a period out with the working day. This could include taking place at the weekend or running till at least 7pm.

- The events venue must be accessible to all including those with mobility issues. The venue should be in a neutral location where the public feel safe to express their opinions. A building of some nature is required where the public can sit and take shelter. Consideration should be given to venues which are accessible to public transport and centrally located within settlements or as close to the site as possible. The application site may be acceptable as a venue if it can meet the above criteria.
- The events must be advertised in the local paper in accordance with the Regulations. While it will be acceptable for the event to be advertised in the Courier, it is recommended that a paper associated with a particular area of Fife is also used. The Planning Authority can be consulted in this regard.
- The advert must meet the minimum requirements set out within the regulations. This includes that the events must be advertised at least 7 days before the date of the event. The advert must contain the information outlined within Regulation 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as amended. The advert must inform the public of the purpose of the events and include the specified Regulations. It should avoid being too informal and appearing as an advert for a development or developer.
- For the successful PAN events to occur it is important to get as many attendees as possible. The minimum requirements are for the relevant Community Council to be directly invited. The Community Council should be provided with a copy of the PAN and at the very least notified of the Public Events 7 days prior to the Events occurring. In addition, Fife Council would ask that all local councillors for the ward are invited to events. Consideration should also be given to letter drops to the nearest residents and adverts in local shop windows, hotels or community and civic buildings. Where possible, social media of the developer or agent should be considered as a means of advertising the events. This is not essential for all PAN events but is good practise and may be requested for larger scale developments within the Planning Authority's PAN response. It is also recommended that active local groups are identified and invited as this can be a broader method of informing the public of the events. Fife Council will request additional consultations as appropriate.
- An application must be made within 18 months from when the PAN is given to the planning authority. If it is not, then the PAC measures carried out will be redundant and PAC will need to be started again from the beginning.

While Fife Council have an expectation that developers will carry out public consultation through the PAN process to a level greater than the minimum standard, it is recognised that this is not always viable or appropriate depending on the development. If the recommendations set out above cannot be met, then this will not necessarily make any PAN process unacceptable. Justification will be required within any PAC report as to why the recommendations were not followed to ensure that the PAN process was acceptable.

Consultation with Communities - Appendix 2

PAC Report Requirements

The following table should be included within any PAC report submitted with a major application. This will allow the Planning Authority to quickly assess whether the PAN process has been adequately followed and avoid delay in registering the application. This can also assist in ensuring the PAC and PAN accords with the regulations by ensuring each aspect is met.

<u>Information</u>	<u>Date/ Time/ Location/ Newspaper</u>
PAN submission date	
Public Events dates	
Newspaper advertisement date	
Name of Newspaper	
Public Events Location (s)	
Public Events Start and Finish times	

A copy of the advert from the local newspaper shall be included within the PAC report. If this is not included the PAC report will be considered insufficient and the application made invalid. This will be seen as evidence of the above table.