

## **PLANNING, HOUSING AND RELATED SERVICES**

### **DEVELOPMENT MANAGEMENT**

#### **PRE-APPLICATION ADVICE SERVICE**

##### **1. INTRODUCTION**

Scottish Borders Council is committed to providing a reliable pre-application advice service. This guide provides information for our customers on the pre-application advice service offered by the Development Management Service.

The Council offers two tiers of pre-application advice: generic and bespoke. Generic advice is free on the Council website. Customers can use this advice to determine whether their proposals are in accordance with [planning policies](#) and determine whether or not [planning permission is required](#). Bespoke advice is tailored advice prepared by planning officers based on information provided by the customer. This Guide relates to bespoke advice.

**Please note that certain types of development are not eligible for bespoke advice other than in exceptional circumstances:**

- **householder developments, and**
- **advertisements and signage**

Customers in any doubt about whether they are eligible for pre-application advice are requested to contact [development management](#) **before** submitting a pre-application advice form. The Council may decline to provide pre-application advice at its discretion.

The service is not available for live applications which have already been submitted and are in the process of being determined.

Please also note that advice on non-material variations or compliance with conditions does not fall within the scope of this service. Requests for non-material variations to approved schemes or requests for written confirmation of compliance with conditions require the submission of a separate [application form](#) and the relevant application [fee](#).

## **2. BENEFITS OF PRE-APPLICATION ADVICE**

Service users have reported that they greatly value this advice. Experience has demonstrated that pre-application advice can ultimately save time, costs and effort in the longer run, and may also optimise the potential of a site. Against this background, and following a period of temporary suspension during 2022, the Council has decided to re-introduce this paid for service, with effect from 1 January 2023. This will provide a consistent level of advice and provide greater confidence about the likely outcome for your proposal.

The process aims to take some of the uncertainty out of the planning application process and allow applicants to make more informed decisions when considering development proposals. Benefits of pre-application advice include:

- Advice on the information that will be necessary to support a planning application
- Guidance in preparing a good quality and, where possible, acceptable submission.
- Allows negotiation to take place prior to submission of an application.
- Help in understanding how the Council's planning policies will be applied to your development
- Identification, at an early stage, of technical issues that might arise in respect of, for example, listed buildings, noise, ecology, transport, archaeology or contaminated land, and to provide specialist support on these issues, as appropriate.
- Guidance on how to meet the council's aspirations for achieving the highest standards of architectural design and placemaking.
- A more formal indication of the likelihood of success of a proposal, which will be a consideration when an application is submitted.
- Identification of any likely requirement for development infrastructure contributions
- If a proposal is unacceptable in principle, a saving in time and cost of pursuing an application that may be refused.

The Council will always aim to determine planning applications within two months of submission (or four months in the case of major proposals). However, applications submitted following pre-application advice may take less time to determine. Unacceptable applications that have been submitted in the absence of pre-application discussions or which are largely inconsistent with the advice provided are likely to be refused without negotiation if significant amendments are required to make the development acceptable.

## **3. PRE-APPLICATION PROCES**

All applications for pre-application advice should be made using the pre-application advice [form](#) that is available to download via our website. Once you have completed this form you should send it, along with any supporting documentation, by e-mail to [prs@scotborders.gov.uk](mailto:prs@scotborders.gov.uk). Alternatively you can post your pre-application form to:

Development Management, Planning Housing & Related Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, or deliver it by hand to Council Headquarters.

### **What we will require from you:**

You may find it helpful to obtain advice from an independent planning specialist who has the experience and expertise that can help make sure your application has the best chance of being given permission.

In order to provide effective pre-application advice we will normally need:

1. A scaled plan showing the site and identifying other land within the ownership or control of the applicant.
2. Any relevant planning history that you are aware of, details of the existing use, a schedule of any existing floorspace and any other background information that is relevant to the proposal.
3. A topographical site survey or other information sufficient to understand existing and proposed site levels in relation to the surrounding area.
4. A description of the proposal, including a calculation of any new/additional floorspace if appropriate.
5. Any necessary scaled plans, elevations, sections and photographs (which are particularly useful to understand the proposal and its context).
6. Your contact details and whether you are requesting a meeting.
7. The pre-application advice fee.
8. In the case of more significant proposals, a draft Design and Access Statement and/or drawings setting out the evolution of the scheme will be useful to guide the discussions but this is not a requirement at the pre-application stage.

When we receive a written request for pre-application advice we will check whether sufficient information has been submitted in order for us to understand the site, its surroundings and the proposed development. We may need further information before offering pre-application advice in writing.

Timescales for the issuing of written advice will only begin once sufficient information has been received and will only apply to proposals where a fee is charged. Should the Council decline to offer pre-application advice, you will be advised of this and the reasons why as soon as possible.

### **What you can expect from us:**

For the schemes where charging applies, we will provide access to the planning officer who will deal with the application. If the application is for a major development, this will involve a senior planning officer. If any technical matters are raised by the proposal, we will provide, as far as we are able, access to specialist officers, although who attends any meeting remains at the discretion of the Council.

The type of service we provide - You may request one of the following options:-

- a) a written response; or
- b) a meeting with written response.

Meetings will generally be held via Microsoft Teams, unless the Council considers there is a specific need for an 'in-person' meeting at Council offices or on site. Please note that the Council reserves the right to decline holding meetings either at the office or on site, where officers consider this to be unnecessary and/or inappropriate.

The written response - The advice contained within the officer's written response will contain a desktop assessment setting out the following issues:-

- the key development plan policies and supplementary guidance;
- a summary of any relevant consultee comments that may have been received;
- the relevant issues that would most likely affect the outcome of a formal application; and
- An indication of likely developer contributions required from the development

If appropriate, the officer may suggest amendments to your proposals and provide an indication of the information and accompanying reports/statements that you will need to include with your planning application. You should be aware that the written response will not comprise a full assessment of your provisional proposals. This will only be undertaken at the formal application stage.

The officer will endeavour to respond to your request for written advice within two months of your request or four months in relation to a major proposal, provided we have received from you all the necessary information, documentation and fees. Where the proposals are complex, and/or further information is required, we may have to agree a longer response time.

Timescales and arrangements for a meeting - A meeting with the planning officer will normally take place no later than four weeks after your request, provided we receive from you all the necessary information, documentation and fees at least 10 working days before the meeting.

Within ten working days of first contact, we will seek to arrange a tentative date and time for the meeting and we will confirm it within five working days of receiving all the necessary documentation.

As a guide, meetings should not normally last more than 2 hours for large scale proposals, 1½ hours for medium scale proposals and 1 hour for small scale proposals. The case officer may visit the site at pre-application stage where that is necessary for advice to be given.

The discussion at the meeting - The nature of the discussion will depend on the detail and relevance of the information you supplied in advance. You will have the chance to explain your proposal to the officer/s. They will advise you if they consider your proposal to be unacceptable in principle, outlining the main reasons for that view.

Where there is merit to pursue your proposal further, the officer/s will provide an initial verbal response, identifying the main issues and relevant policies, including any issues already raised by other relevant specialist officers at this initial stage. The officer/s will mention any issues they may have about the proposals at this stage. If appropriate, they may suggest possible amendments to overcome them.

The officer/s will also advise on:

- any publicity and consultation that you should undertake at this stage, seeking views of neighbours and third parties, so that these can be taken into account in formulating your application submission;
- when and how to keep communities informed on large schemes;
- any additional reports/impact studies which you may need to prepare;
- the involvement of specialist professionals in working up your proposals.

Timescales for written responses - We will normally prepare our written response within two weeks of the meeting, but we may have to agree a longer response period, depending on the complexity of the case and comments sought from specialist officers and other parties. However, where specialist input is required and necessary, this may take longer.

You will receive written advice electronically where an e-mail address has been provided. This will be issued in line with the timescales set out above (within two months for local developments and within four months for major developments)

A charge applies to this service. The applicable charge is determined by the scale and nature of the proposed development and the form of advice being sought.

## **PRE-APPLICATION ENQUIRY FEES**

(Applicable from 1 January 2023)

<b>Category of Development</b>	<b>Written Response</b>	<b>Meeting with Written Response</b>
Local Development (other than housing)	£160	£420
Proposals for one to two houses or flats	£160	£420
Housing developments (3-49 houses)	£365	£670
Housing developments (more than 49 houses or sites over two hectares)	£630	£1315
Renewable Energy Projects over two hectares	£1575	£2625
All other major developments	£1050	£1575

## **Pre-application Advice where no fee is required**

Pre-application advice will be provided free of charge in the following cases:

- Advice in respect of proposals which only require listed building consent or conservation area consent
- Developments solely proposing disabled facilities or access
- 100% Affordable Housing Schemes
- Proposals where the applicant/developer is a registered charity or a Community Council
- Discussions with residents potentially affected by developments
- One meeting or written response following refusal of an application, where revisions to that refused scheme within the same application site are proposed.

### **How to Pay**

Once you have completed and submitted your application form you will be contacted by our Registration Team to arrange payment. This can be done online through our website or by BACS transfer. Further details will be provided.

### **Please note:**

Requests for pre-application advice must be made in writing and accompanied by the appropriate fee before any advice will be provided or meeting arranged.

Any pre-application advice given by Council officers, whether verbal or written, paid for or free of charge, is officer advice provided on a without prejudice basis. It does not indicate any formal decision by the Council as local planning authority and cannot pre-empt or bind in any way the Council's eventual decision on any subsequent planning application, whether that decision is made by senior officers or the Council's Planning and Building Standards Committee.

Any views or opinions expressed are given by officers in good faith, and to the best of our ability, without prejudice to the formal consideration of any planning application, including any site visit/s of all relevant properties, statutory public consultation, the issues raised by third parties/stakeholders and evaluation of all available information.

You should therefore be aware that officers cannot give guarantees about the final formal decision that will be made on your planning or related application/s. However, any written pre-application advice issued is treated as a material consideration in the assessment and determination of any future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter that position.

It should be noted that the weight given to pre-application advice will decline over time and it is likely to have very limited bearing after two years

or so, or if policies and/or site circumstances change in the intervening period.

You may still proceed to the submission of a planning application without use of the pre-application service. The Council's planning policies and guidance on a range of matters and sites are available in full on the planning pages of the Council's website [www.scotborders.gov.uk](http://www.scotborders.gov.uk)

There will be no refund payable if a subsequent planning application is ultimately refused. In addition, the pre-application enquiry charge and service is entirely separate from statutory planning fees and process and will not discount any subsequent application fee.

### **Determination as to whether planning permission is required**

Information on the need for [planning permission](#) is available on the websites of the [Council](#) and the [Scottish Government](#). There is specific guidance in relation to [householder developments](#) on both sites. If you require a formal decision from the Council about the need for permission, you will need to submit an application for a [Certificate of Lawfulness of Proposed Use or Development](#). A Certificate of Lawfulness is legally binding.