



# Planning etc. (Scotland) Act 2006

## 2006 asp 17

### PART 3

#### DEVELOPMENT MANAGEMENT

##### *Applications for planning permission and certain consents*

#### 7 Applications for planning permission and certain consents

- (1) For section 32 of the principal Act (form and content of applications for planning permission) substitute—

##### **“32 Applications for planning permission**

- (1) Regulations or a development order may make provision as to applications for planning permission made to a planning authority or the Scottish Ministers.
- (2) Provision referred to in subsection (1) includes provision as to—
- (a) the form and manner in which an application must be made,
  - (b) particulars of such matters as are to be included in the application,
  - (c) any documents or other materials which are to accompany the application,
  - (d) evidence to be provided in support of anything in, or relating to, the application.
- (3) The regulations or development order must—
- (a) require that an application for planning permission of such description as is specified in the regulations or order is to be accompanied by a statement (either or both and if both then either in one document or in two)—
    - (i) about the design principles and concepts applied to the development,
    - (ii) about how issues relating to access for the disabled to the development have been dealt with,

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*Status: This is the original version (as it was originally enacted).*

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- (b) include provision as to the form and content of any such statement as is mentioned in paragraph (a), and
  - (c) require that an application in respect of which compliance with section 35B is required is to be accompanied by a pre-application consultation report prepared in accordance with section 35C.
- (4) Different provision may be made under this section—
  - (a) for different cases or classes of case,
  - (b) for different areas, and
  - (c) according to whether a development is a national development, a major development or a local development.”.
- (2) In section 182 of that Act (regulations controlling display of advertisements), after subsection (2) insert—
 

“(2A) The regulations may also make provision as to—

  - (a) the form and manner in which an application for consent must be made,
  - (b) particulars of such matters as are to be included in the application,
  - (c) any documents or other materials which are to accompany the application.”.
- (3) In section 9 of the listed buildings Act (making of applications for listed building consent)—
  - (a) in subsection (2), the words “shall be made in such form as the planning authority may require and” are repealed,
  - (b) in subsection (3), for paragraph (a) there is substituted—
    - “(a) the form and manner in which such applications must be made,
    - (aa) particulars of such matters as are to be included in such applications,
    - (ab) any documents or other materials which are to accompany such applications,”, and
  - (c) after subsection (3) insert—
    - “(4) The regulations must require that an application for listed building consent of such description as is prescribed must be accompanied by a statement about how issues relating to access for the disabled to the building have been dealt with.
    - (5) The form and content of such a statement are to be such as is prescribed.”.

## **8 Variation of planning applications**

After section 32 of the principal Act insert—

*“Variation of application*

**32A Variation of application other than one referred to the Scottish Ministers**

- (1) An application for planning permission (other than an application referred to the Scottish Ministers under section 46 instead of being dealt with by the planning authority) may, with the agreement of the planning authority, be varied after it is made.
- (2) And if the planning authority consider the variation to be such that there is a substantial change in the description of the development for which planning permission is sought, they are not to agree to the variation.
- (3) Without prejudice to the generality of subsection (1), regulations or a development order may make provision as to the period within which, the circumstances in which and the procedures in accordance with which an application may be varied; but in any event an application is not to be varied after there is an appeal as respects it under section 47.
- (4) The planning authority may, when an application is varied under this section, give such notice of the variation as they consider appropriate.
- (5) In the case of an application for planning permission made to the Scottish Ministers, this section has effect as if any reference to the “planning authority” (other than the first such reference in subsection (1)) were a reference to the Scottish Ministers.

**32B Variation of application referred to the Scottish Ministers**

- (1) An application for planning permission referred to the Scottish Ministers under section 46 instead of being dealt with by the planning authority may, with the agreement of the Scottish Ministers, be varied after it is made.
- (2) And if the Scottish Ministers consider the variation to be such that there is a substantial change in the description of the development for which planning permission is sought, they are not to agree to the variation.
- (3) Without prejudice to the generality of subsection (1), regulations or a development order may make provision as to the period within which, the circumstances in which and the procedures in accordance with which an application may be varied.
- (4) The Scottish Ministers may, when an application is varied under this section, give such notice of the variation as they consider appropriate.”.

**9 Development already carried out**

- (1) After section 33 of the principal Act insert—

**“33A Notice requiring application for planning permission for development already carried out**

Where there is a breach of planning control the planning authority may issue a notice—

- (a) requiring the owner of the land in, on, over or under which the development has been carried out to make an application to them for planning permission for the development,
- (b) describing the development in a way that is sufficient to identify it,
- (c) specifying a date by which the application is to be made, and
- (d) setting out the terms of section 123(1).”.

- (2) In section 123(2) of that Act (expressions used in connection with enforcement), at the end add “as does the issuing of a notice under section 33A”.
- (3) In section 147(1) of that Act (register of enforcement, breach of condition and stop notices), for the words “and stop notices” substitute “, notices under section 33A, stop notices and temporary stop notices”.
- (4) The title of section 147 becomes “**Enforcement etc.: register of notices**”.