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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 155**

**The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**PART 3**

Procedure on applications for planning permission

**Notices to owners and agricultural tenants under section 35 of the Act**

**15.**—(1) The applicant is to give notice in the form set out in Schedule 1 to any person (other than the applicant) who at the beginning of the prescribed period is the owner of any land to which the application relates or an agricultural tenant.

(2) The applicant must issue a certificate—

(a) stating whether or not the land or part of the land to which the application relates constitutes or forms part of agricultural land; and

(b) stating, as appropriate—

(i) that at the beginning of the prescribed period no person (other than the applicant) was the owner of any of the land to which the application relates or an agricultural tenant;

(ii) that the applicant has given notice to every person (other than the applicant) who at the beginning of the prescribed period was the owner of any land to which the application relates or an agricultural tenant; or

(iii) that the applicant is unable to give notice to every such person.

(3) A certificate issued—

(a) under paragraph 2(b)(ii) or (iii) must set out the name of every person to whom notice was given and the address at and date on which such notice was given;

(b) under paragraph 2(b)(iii) must certify that the applicant has taken reasonable steps (specifying them) to ascertain the names and addresses of those persons to whom the applicant has been unable to give notice.

(4) In the case of a minerals application this regulation applies with the modifications that in paragraphs (1) and (2)(b) for “the owner” substitute “, to the applicant’s knowledge, the owner”.

(5) The applications prescribed for the purposes of paragraph (b) of the definition of “owner” in section 35(7) of the Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.

(6) In this regulation—

“agricultural land” has the meaning given to it by section 35(7) of the Act (notice etc. of applications to owners and agricultural tenants);

“agricultural tenant” means the tenant of agricultural land any part of which is comprised in the land to which an application relates; and

“prescribed period” means the period of 21 days ending with the date of the application.