



# Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

## 1997 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER II

##### AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

##### *Applications for listed building consent*

#### **9 Making of applications for listed building consent.**

- (1) Except as provided in sections 11 to 14 [<sup>F1</sup>or section 73B] , an application for listed building consent shall be made to and dealt with by the planning authority.
- (2) Such an application [<sup>F2</sup>shall be made in such form as the planning authority may require and] shall contain—
  - (a) sufficient particulars to identify the building to which it relates, including a plan,
  - (b) such other plans and drawings as are necessary to describe the works which are the subject of the application, and
  - (c) such other particulars as may be required by the planning authority.
- (3) Provision may be made by regulations with respect to—
  - (a) [<sup>F3</sup>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,]
  - (b) the manner in which such applications are to be advertised, [<sup>F4</sup>and]

*Status: Point in time view as at 27/02/2015. This version of this provision has been superseded.*

*Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 9 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) the time within which they are to be dealt with by planning authorities or, as the case may be, by the Secretary of State<sup>F5</sup>, and
  - (d) the procedure to be followed by planning authorities or, as the case may be, the Scottish Ministers in considering and determining such applications.]
- [<sup>F6</sup>(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.]
- [<sup>F7</sup>(6) The regulations must also require planning authorities, before granting or refusing applications for listed building consent in such cases or classes of case as may be prescribed, to consult—
- (a) Historic Environment Scotland,
  - (b) such other persons as may be—
    - (i) prescribed, or
    - (ii) specified in directions given to planning authorities by the Scottish Ministers.
- (7) Directions given by virtue of subsection (6)(b)(ii) for the purposes of regulations under this section may be given to—
- (a) planning authorities generally,
  - (b) a particular planning authority, or
  - (c) a description of planning authority.]

#### Textual Amendments

- F1** Words in s. 9(1) inserted (11.5.2006) by [The Planning and Compulsory Purchase Act 2004 \(Commencement No. 2 and Consequential Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/243\)](#), arts. 1(1), [5\(2\)](#)
- F2** Words in s. 9(2) repealed (12.12.2008 for specified purposes) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 7\(3\)\(a\)](#), 59(2); S.S.I. 2008/411, art. 2(2)(3)(a)
- F3** S. 9(3)(a)-(ab) substituted for s. 9(3)(a) (12.12.2008 for specified purposes) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 7\(3\)\(b\)](#), 59(2); S.S.I. 2008/411, art. 2(2)(3)(a)
- F4** Word in s. 9(3) repealed (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 3 para. 9\(a\)\(i\)](#) (with [ss. 29](#), 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F5** S. 9(3)(d) and word inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 3 para. 9\(a\)\(ii\)](#) (with [ss. 29](#), 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F6** S. 9(4)(5) inserted (12.12.2008 for specified purposes) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 7\(3\)\(c\)](#), 59(2); S.S.I. 2008/411, art. 2(2)(3)(a)
- F7** S. 9(6)(7) inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 3 para. 9\(b\)](#) (with [ss. 29](#), 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

**Status:**

Point in time view as at 27/02/2015. This version of this provision has been superseded.

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 9 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.