

# PLANNING ETC. (SCOTLAND) ACT 2006

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## EXPLANATORY NOTES

### THE ACT – SECTION BY SECTION

#### Part 3 – Development Management

##### *Section 8 – Variation of planning applications*

71. **Section 8** inserts two new sections after section 32 of the 1997 Act. **New section 32A** sets out the circumstances under which a planning application may be varied with the agreement of the planning authority after it has been made. Subsection (2) provides that a planning authority may not agree to vary an application if they consider that the variation would result in a substantial change in the description of the development. Subsection (3) enables the Scottish Ministers to make regulations or a development order setting out the circumstances in which an application may be varied. Subsection (3) also states that an application must not be varied if it is the subject of an appeal under section 47 of the 1997 Act.
72. Subsection (4) gives the planning authority powers to give notice of the variation to a planning application.
73. Subsection (5) allows the provisions in new section 32A to apply to planning applications made directly to the Scottish Ministers under the “urgent development” procedures introduced on the removal of Crown immunity from planning control.
74. **New section 32B** sets out the circumstances under which a planning application may be varied after it has been referred to Scottish Ministers, subject to their agreement. Subsection (2) provides that the Scottish Ministers may not agree to vary an application if they consider that the variation would result in a substantial change in the description of the development. Subsection (3) allows the regulations or development order to make provision for the timing and the procedures for applications to be varied.
75. Subsection (4) gives the Scottish Ministers powers to give notice of a variation to an application.