

# PLANNING ETC. (SCOTLAND) ACT 2006

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## EXPLANATORY NOTES

### THE ACT – SECTION BY SECTION

#### Part 3 – Development Management

##### *Section 7 – Applications for planning permission and certain consents*

67. **Subsection (1)** replaces the existing section 32 of the 1997 Act to enable the Scottish Ministers to prescribe in regulations or a development order both the form and the content in which a planning application must be made and submitted to planning authorities. Regulations or a development order made under this section may make different provision for different cases and levels of development or for different planning authority areas. These must require that certain descriptions of applications be accompanied by a statement about the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with. These may be separate statements or combined, and if combined could be contained in either one document or in two. The secondary legislation can also specify the form and content of such a statement. Where specified in secondary legislation an application must also be accompanied by a pre-application consultation report, as explained in relation to section 11 in these notes.
68. **Subsection (2)** extends section 182 of the 1997 Act by inserting a new subsection (2A) into the provisions relating to regulations controlling the display of advertisements to specify the form and manner in which an advertisement application must be made.
69. **Subsection (3)** amends section 9 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the listed buildings Act”) which stipulates how applications shall be made to planning authorities. Section 9(3)(a) of the listed buildings Act is replaced so that the provision to allow the planning authority power to specify the form and manner in which an application for planning permission must be made is consistent with the provision in **subsection (1)**, affecting the 1997 Act.
70. **Subsection (3)** also inserts new subsections (4) and (5) into section 9 of the listed buildings Act to ensure consistency with the new section 32 of the 1997 Act as set out in subsection (1), so that certain applications for listed building consent are also required to be accompanied by a statement detailing how issues relating to access to the development for the disabled have been dealt with. The form and content of the statement will also be as prescribed in regulations.