

SCHEDULE 1

Regulation 15(1)

Notices under regulation 15

**“TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Notice under regulation 15(1) of application for planning permission for
service on owners and tenants of agricultural land**

Proposed development at [Note 1]

TAKE NOTICE

1. that application is being made to–

[Note 2] Council by

[Note 3].....for planning permission to

[Note 4].....

2. If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5].

(The grant of planning permission does not affect owners’ rights to retain or dispose of their property unless there is some provision to the contrary in an agreement or lease.

The grant of planning permission for non-agricultural development may affect agricultural tenants’ security of tenure.)

Signed

*On behalf of

Date

*Delete where inappropriate

Note 1- Insert address or location of proposed development.

Note 2 - Insert name of Council.

Note 3 - Insert name of applicant.

Note 4 - Insert description of proposed development.

Note 5 - Insert address of the Council.”

SCHEDULE 2

Regulation 16

Registers under sections 36(1) to (4)

Register of applications for planning permission

1. The register of applications for planning permission which every planning authority are required to keep under section 36(1) of the Act is to be kept in 2 parts.

2. Part I of the register is, in respect of every application made under regulations 9 to 12 and not finally disposed of, to contain—

- (a) a description of the development to which the application relates;
- (b) the name of the applicant and the address at which the applicant or, where an agent is acting on behalf of the applicant, the name of that agent and the address at which such agent may be contacted;
- (c) the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of such land;
- (d) copies of—
 - (i) plans and drawings;
 - (ii) any design statement or design and access statement; and
 - (iii) any pre-application consultation report, submitted in respect of the application; and
- (e) particulars of any direction given under the Act or these Regulations in respect of the application.

3. Part II of the register of applications for planning permission is to contain—

- (a) in respect of all applications made under regulations 9 to 12 determined by the planning authority (other than following a review of the case by virtue of section 43A(8)) of the Act—
 - (i) a copy of the decision notice; and
 - (ii) copies of any plans considered by the planning authority in determining the application;
- (b) a copy of any environmental statement submitted with respect to the application;
- (c) in respect of all applications made under regulations 9 to 11 determined by the planning authority (other than following a review of the case by virtue of section 43A(8)) of the Act, a Report containing the information mentioned in paragraph 4 of this Schedule;
- (d) a copy of the decision of the Scottish Ministers in respect of an application, on appeal or on a reference under section 46 of the Act; and
- (e) a copy of the decision notice of the planning authority as to the manner in which a review of the case under section 43A of the Act has been dealt with and copies of any plans considered by the planning authority in determining the review.

4. The information to be contained in the Report is—

- (a) a statement of the number of representations made in respect of the application and a summary of the main issues raised by such representations;
- (b) details of the authorities and persons consulted by the planning authority in respect of the application and a summary of the responses made by such authorities or persons;
- (c) where in respect of the proposed development—
 - (i) an environmental statement was submitted;

- (ii) an appropriate assessment under the Conservation (Natural Habitats &c.) Regulations 1994(1) was carried out;
 - (iii) a design statement or a design and access statement was submitted; or
 - (iv) any report on the impact or potential impact of the proposed development (for example the retail impact, transport impact, noise impact or risk of flooding) which was submitted in connection with the application,
- a summary of the main issues raised by such statement, assessment or report;
- (d) a summary of the terms of any planning obligation entered into under section 75 in relation to the grant of planning permission for the proposed development;
 - (e) where a direction has been made by the Scottish Ministers under regulation 30, 31 or 32, details of such direction in respect of that decision; and
 - (f) details of the provisions of the development plan and any other material considerations (in addition to any to be included in the Report under above paragraphs) to which the planning authority had regard in determining the application.

Certificates of lawful use or development

5. The register kept by the planning authority shall also contain the following information in respect of every application for a certificate under section 150 (certificate of lawfulness of existing use or development) or 151 (certificate of lawfulness of proposed use or development) of the Act submitted to the authority—

- (a) the name and address of the applicant;
- (b) the date of the application;
- (c) the address or location of the land to which the application relates;
- (d) the description of the use, operations or other matter included in the application;
- (e) the decision (if any) of the planning authority in respect of the application and the date of such decision; and
- (f) the reference number, date and effect of any decision of the Scottish Ministers on an appeal in respect of the application.

Provisions applicable to registers generally

6.—(1) Every register shall include an index, which shall be in the form of a map.

(2) The register for their district is to be kept at the office of the planning authority.

7. Where the register kept by a planning authority under this Schedule is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.

SCHEDULE 3

Regulations 20(1)(c) and 38(1)(b)

Classes of development – regulations 20(1)(c) and 38(1)(b)

The following are the classes of development specified for the purposes of regulations 20(1)(c) and 38(1)(b)—

(1) S.I.1994/2716.

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

- (1) the construction or installation of buildings for use as a public convenience;
- (2) the construction of buildings or other operations, or use of land—
 - (a) for the disposal of refuse or waste materials, or for the storage or recovery of reusable metal;
 - (b) for the retention, treatment or disposal of sewage, trade waste, or effluent other than—
 - (i) the construction of pumphouses in a line of sewers;
 - (ii) the construction of septic tanks and cesspools serving single dwelling houses, or single caravans, or single buildings in which not more than 10 people will normally reside, work or congregate;
 - (iii) the laying of sewers; or
 - (iv) works ancillary to those described in sub paragraphs (i) to (iii);
 - (c) as a scrap yard or coal yard; or
 - (d) for the winning or working of minerals;
- (3) the construction of buildings or use of land or buildings for the purpose of slaughtering animals (including fish and poultry) or the processing of animal carcasses for final disposal or as part of the production of other goods;
- (4) the construction or use of buildings for any of the following purposes—
 - building for indoor games
 - cinema
 - dancing
 - fun fair
 - gymnasium (not forming part of a school, college or university)
 - hot food shop
 - licensed premises
 - music hall
 - skating rink
 - swimming pool or
 - theatre;
- (5) the construction of buildings for or the use of buildings or land as—
 - (a) a crematorium or a cemetery;
 - (b) a zoo, or wildlife park, or for the business of boarding or breeding animals;
- (6) the construction of buildings and use of buildings or land for motor racing;
- (7) the construction of a building to a height exceeding 20 metres;
- (8) the construction of buildings, operations, and use of buildings or land which will—
 - (a) affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or discharge of any solid or liquid substance;
 - (b) alter the character of an area of established amenity;
 - (c) bring crowds into a generally quiet area;
 - (d) cause activity and noise between the hours of 8 pm and 8 am; or
 - (e) introduce significant change into a homogeneous area.

SCHEDULE 4

Regulation 20(1)

Notice for publication in newspaper

**“TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Notice of application to be published in a local newspaper under
regulation 20(1)**

Applications for planning permission listed below together with the plans and other documents submitted with them may be

examined at [Note 1]

between the hours of [Note 2]

on [Note 3]

Written comments may be made to [Note 4] by [Note 5]

List of applications for planning permission

Address [Note 6]

Proposed development [Note 7]

Note 1 - Insert address of planning authority and any other address (including any website address).

Note 2 - Insert beginning and end of periods.

Note 3 - Insert days of week.

Note 4 - Insert Director of Planning or officer responsible for planning functions and the Director of Planning or that officer’s address (including an email address). Where the development to which the application belongs is a class of development prescribed for the purposes of section 35A(1), include a statement that notwithstanding that comments may have been made to the applicant prior to the application being made, persons wishing to make representations in respect of the application should do so to the planning authority in the manner indicated in the notice.

Note 5 - Insert date by which representations are to be made, being a date not less than 14 days from the date of publication of the notice.

Note 6 - For each application to be advertised insert postal address of proposed development or if there is no postal address insert a description of the location of the proposed development.

Note 7 - For each application to be advertised insert description of proposed development.”

SCHEDULE 5

Regulation 25

Consultation by the planning authority

Subject to regulation 25, the planning authority must before determining an application for planning permission for development consult a person, authority or body mentioned in a paragraph below in the circumstances specified in that paragraph.

1. SEPA—

(1) where the development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding; or

(2) where the development consists of or includes—

- (a) fish farming;
- (b) mining operations;
- (c) the carrying out of building or other operations or use of land for the purposes of providing or storing mineral oils and their derivatives;
- (d) the carrying out of building or other operations (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling houses, single caravans or single buildings in which not more than 10 people will normally reside, work or congregate, and works ancillary thereto) or use of land for the retention, treatment or disposal of sewage, trade waste, or effluent;
- (e) the carrying out of works or operations in the bed or on the banks of a river or stream;
- (f) the use of land as a cemetery; or
- (g) the use of land for the deposit of any kind of refuse or waste, including slurry or sludge.

2. Scottish Natural Heritage where—

(1) the development may affect an area of special interest notified to the planning authority by Scottish Natural Heritage in accordance with sections 3(1) or 5(1) of the Nature Conservation (Scotland) Act 2004⁽²⁾; or

(2) the development consists of or includes the winning and working of peat other than for the domestic requirements of the applicant.

3. The Health and Safety Executive where the development is within an area which has been notified to the planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of—

- (1) residential accommodation;
- (2) more than 250 square metres of retail floor space;
- (3) more than 500 square metres of office floor space; or
- (4) more than 750 square metres of floor space to be used for an industrial process,

or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

4. Scottish Natural Heritage, the Health and Safety Executive and SEPA where the development—

- (1) involves the siting of new establishments;
- (2) consists of modifications to existing establishments which could have significant repercussions on major accident hazards; or

(2) 2004 asp 6.

(3) includes transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident.

Expressions which are used in this paragraph and in Council Directive [96/82/EC](#) of the European Council⁽³⁾ on the control of major accident hazards involving dangerous substances shall, in this paragraph, have the same meaning as in that Directive.

5. The Scottish Ministers, in the case of—

(1) development of land within 67 metres of the middle of, or development comprising the formation, laying out or alteration of any means of access to—

- (a) a trunk road;
- (b) a proposed trunk road or a proposed special road, being a road the route of which is shown as such in the development plan, or in respect of which the Scottish Ministers have given notice in writing to the planning authority of their proposal, together with the maps or plans sufficient to identify the proposed route of the road;
- (c) any road which is comprised in the route of a special road to be provided by the Scottish Ministers in accordance with a scheme under section 7 of the Roads (Scotland) Act 1984 relating to special roads, and which has not for the time being been transferred to them; or
- (d) any road which has been or is to be provided by the Scottish Ministers in pursuance of an Order under the provisions of the said Act relating to trunk roads and special roads and has not for the time being been transferred to any roads authority;

(2) development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a trunk road;

(3) development of land which is situated within 800 metres from any Royal Palace or Park, and might affect the amenities of that Palace or Park;

(4) development which may affect—

- (a) a historic garden or designed landscape;
- (b) the site of a scheduled monument or its setting; or
- (c) a category A listed building or its setting;

(5) development which consists of or includes the winning and working of peat other than for the domestic requirements of the applicant; or

(6) marine fish farm development.

6. The community council, if any, within whose area the development is to take place where—

(1) the community council, within 7 days (excluding Saturday and Sunday, December 25th and 26th and January 1st and 2nd) of the date on which the planning authority sent to that community council in accordance with regulation 23(1) the list which includes information about the application for such development, informs the planning authority that it wishes to be consulted; or

(2) The development is likely to affect the amenity in the area of the community council.

7. The Coal Authority where the development consists of—

- (a) the erection of a building, other than an alteration, extension or re erection of an existing building or the erection of a building of a temporary character; or
- (b) the provision of a pipeline,

(3) O.J. No. L 10, 14.1.1997, p.13. The Directive was amended by Regulation [\(EC\) No. 1882/2003](#) of the European Parliament and of the Council of 29th September 2003 (O.J. No. L 284, 31.10.2003) and Directive [2003/105/EC](#) of the European Parliament and of the Council of 16th December 2003 (O.J. No. L 345, 31.12.2003 p.97).

in an area of coal working or former or proposed coal working notified by the Coal Authority to the planning authority.

8. Any adjoining planning authority, where the development is likely to affect land in the district of that authority.

9. Network Rail Infrastructure Limited or any other railway undertakers likely to be affected where the development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway.

10. The roads authority concerned, where the development involves—

- (a) the formation, laying out or alteration of any means of access to, or is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving, a road (other than a trunk road) for which the planning authority are not also the roads authority; or
- (b) the formation, laying out or alteration of any means of access to land affording access to a toll road.

11. The Theatres Trust where the development involves any land on which there is a theatre as defined in the Theatres Trust Act 1976(4).

12. Scottish Water where the development is likely to require a material addition to or a material change in the services provided by that authority.

13. A district salmon fishery board where the development consists of fish farming.

14. The Scottish Ministers and the Secretary of State where marine fish farm development may affect a site designated as a controlled site under section 1 of the Protection of Military Remains Act 1986(5).

Interpretation of Schedule 5

In this Schedule—

“district salmon fishery board” has the meaning assigned to it by section 40 of the Salmon Act 1986(6);

“roads authority” has the same meaning as in section 151 of the Roads (Scotland) Act 1984(7);

“SEPA” means the Scottish Environment Protection Agency established under section 20 of the Environment Act 1995(8);

“slurry” means animal faeces and urine (whether or not water has been added);

“special road” means a road provided or to be provided in accordance with a scheme under section 7 of the Roads (Scotland) Act 1984;

“toll order” has the same meaning as in Part II of the New Roads and Street Works Act 1991(9);

“toll road” means a road which is the subject of a toll order;

“trunk road” means a road or proposed road which is a trunk road within the meaning of section 151 of the Roads (Scotland) Act 1984 that is to say, a road which is a trunk road by virtue of section 5 of that Act or of an Order or direction under that section or section 202 of the Act.

(4) 1976 c. 27.

(5) 1986 c. 35.

(6) 1986 c. 62.

(7) 1984 c. 54. Section 151 was relevantly amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 135(10) and S.I. 2001/1400.

(8) 1995 c. 25.

(9) 1991 c. 22.

SCHEDULE 6

Regulation 28

Notice to accompany refusal etc.

Form 1

“TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to the [Note 1].

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Note 1 - Insert details of address to which the notice of appeal should be sent.”

Form 2

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

“TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the [Note 1]

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Note 1 - Insert details of address to which the notice of review should be sent.”

SCHEDULE 7

Regulation 38

Form of notice to be displayed while development in progress

“NOTICE

Development at [Note 1].

Notice is hereby given that planning permission has been granted subject to conditions [Note 2] to [Note 3] on [Note 4] by [Note 5].

The development comprises [Note 6].

Further information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at [Note 7]

Notes

Note 1 – Insert address or describe the location of development.

Note 2 – Delete “subject to conditions” if the planning permission is not subject to any conditions.

Note 3 – Insert name and address of developer.

Note 4 – Insert date on which planning permission granted.

Note 5 – Insert planning authority or Scottish Ministers and reference.

Note 6 – Insert description of development.

Note 7 – Insert address of planning authority or Scottish Ministers, as appropriate, contact details for enquiries and enforcement section and website link and reference.”

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

SCHEDULE 8

Regulation 41

Certificate of lawful use or development

“TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:
SECTION 150 AND 151

TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2008: REGULATION 41(6)

Certificate of Lawful Use or Development

The [Note 1] Council hereby certify that on [Note 2]
..... the use*/operations*/matter* described in the First Schedule
hereto in respect of the land specified in the Second Schedule hereto and
edged*/hatched*/coloured* [Note 3] on the plan attached to this
certificate was*/would have been* lawful within the meaning of section 150 of the Town and
Country Planning (Scotland) Act 1997, for the following reason(s)

Signed (Council’s proper officer)

On behalf of Council

Date

First Schedule

[Note 4]

Second Schedule

[Note 5]

1. This certificate is issued solely for the purpose of section 150*/151* of the Town and
Country Planning (Scotland) Act 1997.

2. It certifies that the use*/operations*/matter* described in the First Schedule taking place on
the land specified in the Second Schedule was*/would have been* lawful, on the specified date
and, thus, was not*/would not have been* liable to enforcement action under section 127 of the
1997 Act on that date.

3. This certificate applies only to the extent of the use*/operations*/matter* described in the
First Schedule and to the land specified in the Second Schedule and identified on the attached
plan. Any use*/operations*/matter* which is materially different from that described or which
relates to other land may render the owner or occupier liable to enforcement action.

*4. The effect of the certificate is also qualified by the proviso in section 151(4) of the 1997 Act, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

*Delete where inappropriate.

Note 1 - Insert name of Council.

Note 2 - Insert date of application to the Council.

Note 3 - Insert colour used on the plan.

Note 4 - Insert full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including where appropriate a reference to the use class of any order made under section 26(2)(f) of the Town and Country Planning (Scotland) Act 1997 within which the certificated use falls.

Note 5 - Insert address or location of the site.”