



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART III

#### GENERAL PLANNING CONTROL

##### *Applications for planning permission*

#### **23 Publication of notices of applications**

- (1) Provision may be made by a development order for designating the classes of development to which this section applies, and this section shall apply accordingly to any class of development which is for the time being so designated.
- (2) An application for planning permission for development of any class to which this section applies shall not be entertained by the local planning authority unless it is accompanied—
  - (a) by a copy of a notice of the application, in such form as may be prescribed by a development order, and by such evidence as may be so prescribed that the notice has been published in a local newspaper circulating in the locality in which the land to which the application relates is situated ; and
  - (b) by one or other of the following certificates, signed by or on behalf of the applicant, that is to say—
    - (i) a certificate stating that he has complied with subsection (3) of this section and when he did so ; or
    - (ii) a certificate stating that he has been unable to comply with it because he has not such rights of access or other rights in respect of the land as would enable him to do so, but that he has taken such reasonable steps as are open to him (specifying them) to acquire those rights and has been unable to acquire them.
- (3) In order to comply with this subsection a person must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) post on the land a notice, in such form as may be prescribed by a development order, stating that the application for planning permission is to be made; and
  - (b) leave the notice in position for not less than seven days in a period of not more than one month immediately preceding the making of the application to the local planning authority.
- (4) The said notice must be posted by affixing it firmly to some object on the land, and must be sited and displayed in such a way as to be easily visible and legible by members of the public without going on the land.
- (5) The applicant shall not be treated as unable to comply with subsection (3) of this section if the notice is, without any fault or intention of his, removed, obscured or defaced before the seven days referred to in subsection (3)(b) of this section have elapsed, so long as he has taken reasonable steps for its protection and, if need be, replacement; and, if he has cause to rely on this subsection, his certificate under subsection (2)(b) of this section shall state the relevant circumstances.
- (6) The notice mentioned in subsection (2)(a) or required by subsection (3) of this section shall (in addition to any other matters required to be contained therein) name a place within the locality where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice, not being a period of less than twenty-one days beginning with the date on which the notice is published or first posted, as the case may be.
- (7) An application for planning permission for development of any class to which this section applies shall not be determined by the local planning authority before the end of the period of twenty-one days beginning with the date of the application.
- (8) If any person issues a certificate which purports to comply with the requirements of subsection (2)(b) of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (9) Any certificate issued for the purpose of this section shall be in such form as may be prescribed by a development order.