



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 [^{F1}or section 73B], an application for listed building consent shall be made to and dealt with by the planning authority.
- (2) Such an application [^{F2}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) [^{F3}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,]
 - [^{F4}(ac) the planning authority giving notice of such applications made to them—

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- (i) to such persons or categories of person as may be prescribed,
 - (ii) in such manner as may be prescribed,
 - (iii) for such period as may be prescribed, and
 - (iv) on such number of occasions as may be prescribed,
 - (ad) the applicant providing such person or persons as may be prescribed such information with respect to the application as may be prescribed,]
 - (b) the manner in which such applications are to be advertised,^{F5}...
 - (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.^{F6}, 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.]
- [^{F7}(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.]
- [^{F8}(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** S. 9(3)(ac)(ad) inserted (1.12.2019) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 52\(2\)](#), 63(2); S.S.I. 2019/385, reg. 2, sch.
- F5** 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.
- F6** 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.

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- F7** 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)
- F8** 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.](#)

Modifications etc. (not altering text)

- C1** Ss. 6-25 applied (with modifications) (1.10.2015) by [The Planning \(Listed Building Consent and Conservation Area Consent Procedure\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/243\)](#), regs. 1, 15, [sch. 3](#) (with [reg. 2](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1)(aa)-(ad) inserted by [2006 asp 17 s. 55\(5\)](#)