



Application for:

Planning Permission;
Planning Permission in Principle;
Further Applications;
Approval of Matters Specified in Conditions; and
Mineral Workings (Where a Planning Authority does not have a separate form.)

Guidance Notes

- *Town and Country Planning (Scotland) Act 1997*
- *The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008*

Introduction

1. This application form allows you to apply for most types of planning permission and is to be submitted as part of your proposal.
2. These guidance notes provide clarification and further information to help you complete each section of the form.

When To Use This Form

3. This form should be used for making an application for most types of planning permission – except Householder development as there is a separate form for this. Please use this form for the following:
 - Planning Permission;
 - Planning Permission in Principle;
 - Further Application;
 - Approval of Matters Specified in Conditions; and
 - Applications for Mineral Workings (only where the planning authority does not have a separate form).

Note. A Further Application may be development that has not yet commenced and where a time limit has been imposed or a renewal of planning permission or a modification, variation or removal of a planning condition (i.e. applications for planning permission (full) under S42 of the 1997 Act).

4. Planning permission is required if you wish to undertake 'development'. The definition of development includes the '*the carrying out of building, mining, engineering or other operations, in, on, over or under land or the making of any*



material change in the use of any buildings or other land” (Section 26 of the Town and Country Planning (Scotland) Act 1997.

5. Building operations which require planning permission can include:
 - Rebuilding
 - Structural alterations of or additions to buildings
 - Other operations normally undertaken by a person carrying on business as a builder
 - Demolition of buildings in certain limited circumstances
 - Excavation
6. Building operations which are not ‘development’ and do not require planning permission can include building works for the maintenance, improvement or other alteration of any building affecting only the interior of the building or not materially affecting the external appearance of the building. Planning permission is required in some circumstances where there is a proposed change of use of buildings or other land. The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), (the “UCO”), groups certain types of uses together into several classes. Any change from one class to another will usually require planning permission. Changes not covered by the classes in the UCO or where a use is specifically excluded from the freedoms in the UCO will also require planning permission where the change of use is material.
7. These forms can also be used for applying for permission for winning or working minerals – e.g. open cast mine workings or quarries. This will require an application for planning permission – it is not appropriate to submit an application for planning permission in principle for mineral working. However, this is not an appropriate form to use if the quarry or mine is already established, is dormant or inactive, and you want to apply to the planning authority to determine what conditions are to apply to workings on the site. If this is what you are seeking you should contact the planning authority to discuss what forms you should submit. In addition, some planning authorities have special mineral forms.
8. In certain circumstances, works which are development may not require planning permission. This includes:
 - Development which is permitted through secondary legislation – such as “permitted development” by a specific order;
 - Where the intended use is incidental to certain existing uses; and
 - Certain uses and development for agriculture or forestry.
9. If you have any queries about whether your proposal requires planning permission it is recommended that you seek advice from your planning authority.



10. If your proposal involves changes to existing footways or roads, special procedures are involved. Extinguishment of a footpath or bridleway can only be achieved where it can be shown that there is no longer a need for the route. In deciding this, an authority must take into account how the route is likely to be used by the public before extinguishment and the effect of the extinguishment on the land over which the route passes.

Pre-application Discussion and Processing Agreements

11. If you have any queries about whether or not your proposal needs planning permission you should seek advice from your planning authority. Your planning authority has planning policies and guidance which may be relevant to your proposal. You should check the relevant Development Plan and supplementary planning guidance on the planning authority's website.
12. It is often helpful to discuss your proposal with the planning authority before formally submitting your application; details of arrangements for doing so should be on your planning authority's website. If you have received advice from the planning authority you should note the details of this advice in your application form.
13. If your application is for major or national development you may wish to formalise any pre-application discussions with the planning authority through a processing agreement. A processing agreement is essentially a framework for project managing a complex planning application. It provides greater clarity on the timescales and processes that will take place before the determination of a planning application and sets out what information is required in support of your application. The pre-application stage will be the most appropriate point to conclude the terms of a processing agreement.

Form and Content of Applications (Statutory Requirements)

14. Applications to a planning authority must be made in accordance with relevant regulations. Please refer to Annex 1 for further details on the form and content of applications and the statutory minimum requirements which you must meet when submitting your application.

Applications for Major or National Developments

15. If your application is for Planning Permission or Planning Permission in Principle (or a Further Application) for a Major or National Development, you are required, under regulations, to carry out 'Pre-application Consultation' with the local community and submit to the planning authority with your application, a 'Proposal of Application Notice' and a 'Pre-application Consultation Report'.



16. Applications for planning permission for Major or National development, must also, subject to Regulation (13) (3) of The Town and Country Planning (Development Management Procedure) Regulations 2008 (DMR), be accompanied by a 'Design and Access Statement'. If your application is for Planning Permission in Principle, you will not be required to submit a Design and Access Statement with your application.

Proposal of Application Notice

17. Where Pre-application Consultation is required, the prospective applicant must provide to the planning authority a Proposal of Application Notice at least 12 weeks prior to the submission of an application. Please refer to paragraph 2.8 of Circular 4/2009 for advice on the content of a Proposal of Application Notice.

Pre-application Consultation Reports

18. Pre-application Consultation Reports (PAC report) are to be made in writing (which includes electronic format). The relevant legislation (Sections 35A, 35B, 35C and 39 and regulations 4-7) does not specify the content of the PAC report beyond that it should set out how it complies with regulations. Please refer to Regulation 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and/or paragraphs 2.4 – 2.31 of Circular 4/2009 for further advice on the content of a Pre-application Consultation Report.

Design and Access Statement

19. Certain applications for planning permission are required to be accompanied by a 'Design and Access Statement' explaining the design principles and concepts that have been applied to the proposal, specifically in respect of how issues relating to access for disabled people have been addressed. Design and Access Statements should ensure that development proposals are based on a carefully considered design process and should explain clearly the design rationale behind the proposal. Design and Access Statements are a tool to assist the achievement of inclusive design, demonstrating how buildings and spaces can be created or changed to enable optimum use; removing physical barriers and exclusion.
20. PAN 78 "Inclusive Design" provides a number of principles to help guide developers in delivering inclusive design within schemes. These include:
 - Understanding the fundamentals of inclusive design and being aware of the social and commercial benefits of inclusive design. These will not be limited to the design of the development and will include, for example, the location of the building on the plot, gradient, topography, relationship to adjoining buildings and the local transport infrastructure.



- Adopting a policy that requires inclusive design to be part of the brief to the designer or architect.
- Appointing an access specialist if your designer lacks the necessary knowledge or experience.
- Liaising with the relevant statutory authorities as early as possible and being prepared to amend designs, as required, to address issues raised. This role could also be undertaken by the designer.
- Ensuring the application of inclusive design principles throughout the construction phases.
- Consideration of how the completed environment will be used and managed. Many barriers can be overcome by identifying operational issues at an early stage in the design.

21. Please also refer to the policy statement '*Designing Places*' for further design guidance.

Note. Regulation (13) (3) of The Town and Country Planning (Development Management Procedure) Regulations 2008 contains exemptions in respect of the need to provide a Design and Access Statements for major/national developments.

Applications Local Developments

22. If your application is for Planning Permission and your proposal is for a 'Local Development', you will be required to submit a 'Design Statement' in the circumstances set out in Circular 4/2009, with your application. For further guidance, please refer to paragraphs 3.16-3.18 of the Circular or Regulation 13 (2), (3) and (4) of The Town and Country Planning (Development Management Procedure) Regulations 2008.

Design Statements

23. PAN 68 Design Statements makes it clear that design is a material consideration in determining planning applications. Design Statements should explain the design rationale behind the development proposal and how the proposal meets the requirements of planning policy and guidance.

24. '*Designing Places*' is Scotland's policy statement on achieving safe, successful, attractive and vibrant places. It contains advice and good practice examples of how good design can be a positive force and help development to contribute to successful places. A Design Statement enables the applicant to explain why the selected design solution is the most suitable in the circumstances, in terms of the design and layout of the buildings and the quality of spaces created. Please refer to government guidance '*Designing Places*' and PAN 68, which both provide a useful guide to the design process.



Note. Regulation (13) (3) of The Town and Country Planning (Development Management Procedure) Regulations 2008 contains exemptions in respect of the need to provide Design Statements for local developments.

Plans Required

25. You must submit a location plan with your application; preferably at a scale of 1:1250 or 1:2500 (or larger), showing a north point and at least two named roads and surrounding buildings or the situation of the application site in relation to the locality and 'neighbouring land'. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

Note: 'neighbouring land' is defined as: *"an area or plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed."* (Regulation 24 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

26. The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public road, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by or in the control of the applicant, close to or adjoining the application site.
27. In addition, you should provide adequate drawings – plans, elevations, cross sections – to illustrate your proposals clearly. The submission of photographs and photomontages may be helpful, but these should not be provided as a substitute for annotated drawings with clear dimensions. Where you are providing details of alterations to an existing building, you should show all new work in colour so that it is clear to the planning authority exactly what works you are proposing to carry out. The following will usually be required for proposed building works:
- All elevations of new buildings or, if alterations to existing buildings are proposed, elevations where changes are proposed;
 - Floor plans – showing all floors for new build;
 - Cross sections – showing existing and proposed ground levels;
 - Block plan or layout plan – showing the position of the existing and proposed buildings to the site as a whole. If any buildings are to be demolished they should be clearly identified on this plan. It may be useful to note site levels on this plan too;
 - Roof plans – for new-build showing ridge and slopes and any relationship to existing buildings;
 - Master Plan and/or Framework Plan – required for larger developments. This should show the proposed framework of future development and the infrastructure to be provided, and may also indicate phasing; and



- Landscape plan – most commonly this will be a planting plan showing details of species and numbers of trees and shrubs to be planted, and the proposed materials for boundary treatments. Depending on the scale of the development, however, this may include a landscape structure for the site (areas of planting and connections through a site etc).
28. All plans should be to a metric scale with any figured dimensions given in metres and should include a scale bar.
 29. On your plans you will need to describe the materials and colours you wish to use for external finishes to walls, roofs, lighting, etc. If you know the trade names for these, please include them. You should try to use materials which take account of context.
 30. Proposals for conversion of buildings or extensive alterations may need to be accompanied by a structural survey. This will be particularly important where buildings are in the countryside – for example for steading conversions etc.
 31. For finishes to vehicle accesses, hardstandings and parking areas, please consider using porous surfaces or other materials which will reduce surface water run-off and comply with Sustainable Drainage guidance.
 32. You may provide additional information in a design statement or supporting statement as well as on your drawings/plans. Planning authorities have powers under regulations (Regulation 24 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008) to ask for additional information, if necessary.

Other Information Potentially Required

Environmental Statements

33. The Environmental Impact Assessment (Scotland) Regulations 1999 together with Circular 8/2007, set out the circumstances when an EIA will be required. You may also seek a 'screening opinion' from the planning authority to determine this. If an EIA is required, a further 'scoping opinion' may be sought from the planning authority to establish the scope of the assessment required for inclusion in the Environmental Statement (ES). Where EIA is not required, it can often be useful to provide with your application, a statement setting out the likely environmental impacts of your proposal and how you seek to mitigate those impacts.

Transport Assessments And Travel Plans

34. Most new developments and changes of use will have some implications for traffic and transport. It is important for planning applications to identify the likely transport impacts of development proposals to ensure that these are addressed as early as possible in the planning process. Scottish Planning Policy



17 – Planning for Transport (SPP17) sets maximum parking standards for different types of development and encourages applicants to provide a Transport Assessment, where required, to assess proposed parking arrangements relative to maximum parking standards and to address issues of traffic generation, car parking and travel plans, including proposals for monitoring the Travel Plan and adjusting it where necessary in the light of outcomes.

Water And Drainage

35. Even if your application is for Planning Permission in Principle, the planning authority must be satisfied that your intended drainage arrangements are satisfactory. You will be required to provide information about any proposed new arrangements for water supply and drainage and include appropriate references on your plans/drawings, including existing drainage systems and problems, infiltration, groundwater, surface water flow, foul and storm water disposal, SuDS and drainage related flooding issues. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) [known as CAR], administered by SEPA, regulate discharges to the water environment, including groundwater. The grant of planning permission does not exclude the need for a CAR authorisation. For further information, see the CAR Practical Guide available from SEPA. See also PAN 61 for further guidance.

Flood Risk Assessment

36. Flood risk is a material planning consideration for a wide range of sites including those with a history of flooding, in a flood plain, on low lying coastal land, adjacent to a watercourse, drained by a culvert, with drainage constraints or otherwise poorly drained. Consideration must be given to development proposals for which a flood would have especially serious adverse consequences. Examples include: care homes, sheltered housing and accommodation for other vulnerable groups including people with restricted mobility, nurseries, schools, caravan and camping parks, chalet-type holiday accommodation and those where hazardous materials will be used or stored. Pre-application discussions will help identify whether flooding is an issue and/or whether a Flood Risk Assessment (FRA) is necessary. A FRA will assess the probability of flooding for a particular site or area and recommend mitigation measures including maintenance. This is likely to be needed if your proposed site is within an area which has flooded in the past. Scottish Planning Policy 7 explains government policy in relation to development proposals affecting areas at risk of flooding. If you are uncertain as to whether your proposal is within an area at risk of flooding, or may have an impact on flooding elsewhere, you should consult SEPA's Indicative River & Coastal Flood Map and the relevant development plan or contact your planning authority for more information.



Contaminated Land Assessments

37. Planning authorities must consider the type and degree of contamination in assessing proposals. The need to provide an adequate assessment of contaminated land is outlined in Planning Advice Note (PAN) 33. Land affected by contamination includes all cases where the actual or suspected presence of substances in, on or under the land may cause a risk to people, property, human activities or the environment. Certain forms of new development are potentially more vulnerable to ground contamination than others. Sensitive uses include housing with gardens, schools, nurseries and/or allotments.

Natural Heritage, Trees, Wildlife And Biodiversity

38. Planning authorities have a certain duty to protect natural heritage, trees and wildlife habitats. There are special designations such as Sites of Special Scientific Interest (SSSIs) and Special Protection Areas (SPAs) where proposals have to be carefully assessed for potential impacts on wildlife habitats. While in some circumstances it may be necessary to refuse planning permission on natural heritage grounds, authorities have to consider whether environmental concerns could be adequately addressed by modifying the development proposal or attaching appropriate planning conditions. The aim is to minimise and mitigate the adverse effects and consider the scope for compensating measures. Features of natural heritage interest should be retained and enhanced and proposals should seek to avoid the fragmentation or isolation of habitats. Planning authorities can ask for habitat surveys if they consider that an application site is of wildlife interest. Impact of proposals on the habitat of adjoining sites may also be an issue. There is also potential for considering the scope for setting up an access agreement.

39. Where there is a risk of damage to natural heritage, your planning authority will have to consider whether planning conditions or legal agreements might mitigate the impact sufficiently to allow the development to proceed. Any application likely to have a significant effect on a European site and which is not directly connected or necessary to the management of that site must undergo an appropriate assessment.

40. If you think your site may have value as a woodland or wildlife resource, you should alert the authority to this in your application. Development Plans are likely to include information on such special designations. If you are in any doubt, please consult the most up-to-date Local Plan for your area.



Built Heritage, Conservation Areas And Listed Buildings

41. Planning authorities also have a duty to protect the historic environment. There are a number of protection measures and designations throughout Scotland – listed buildings, conservation areas, designed landscapes, scheduled monuments and world heritage sites. If your proposals affect the historic built environment you will need to provide sufficient information with your application to explain the potential impacts and how the historical context has influenced your designs. You may also need to obtain Listed Building Consent or Conservation Area Consent. These consents are separate but may be linked to the planning application process. Scheduled monuments have a separate consent process however, which is not linked in the same way. More information is available from Historic Scotland.
42. The most common forms of protection are statutorily listed buildings and conservation areas. Planning authorities have a statutory duty to preserve and enhance the character of conservation areas, and they have to consider carefully whether or not proposals are of a high enough quality in terms of construction and design to ensure that no damage to such areas will be caused. SPP23 – Planning and the Historic Environment – encourages prospective developers to seek early discussion with planning authorities on development proposals affecting the historic environment. Development Plans are also likely to include information on such special designations and areas of archaeological significance. Conservation Area Appraisals (prepared by planning authorities) can be helpful sources of information.
43. Design statements and other supporting information are usually essential for applications affecting the built heritage. If you are in any doubt about the information you need to submit as part of your development proposal, you should in the first instance, consult the most up-to-date Development Plan and/or if available, Conservation Area Appraisal for your area. These will provide information on statutory listed buildings and designated conservation areas and will advise you on the type of information required to accompany an application. They will also advise you on the type of development proposals which may and may not be acceptable.

Sustainability Issues

44. Achieving a Low Carbon Future' sets out the Scottish Executive's policy on energy efficiency and micro-generation. SPP6 identifies that a key role of the planning system is to move towards low and zero carbon developments through the use of energy efficiency and the adoption of renewable energy technologies. Please refer to paragraphs 33 – 37 of SPP6 for further advice.



45. To help planners assess the energy efficiency of new proposals, information should be provided on both the design considerations and specific technical aspects of the proposal which are intended to deliver energy efficiency. Applicants should also consider which renewable energy technologies might be appropriate for the development and should demonstrate to the planning authority that all appropriate technologies have been considered. The Carbon Trust provides excellent guidance on reducing energy requirements of development and provides links to wider sources of information.

Noise Assessments

46. The planning authority may be interested in the noise levels generated by a proposed development once it is in place and operational. They have to consider if additional noise may impact on adjacent properties, particularly if these are houses or flats. If your proposals involve activities and processes which may be noisy, particularly if they are classed as "Schedule 3" developments, or if the end products (including plant, ventilation or air conditioning) may generate noise, you may be asked to provide a Noise Assessment with your application. Such an assessment should aim to demonstrate to the planning authority that you have addressed the issue of noise generation carefully in your proposals. Of particular interest, will be the details of any mining operations, industrial processes, business or other activities that you propose, including the type and location of significant machinery, internal and external to the building.

Certificate of Ownership

47. You do not need to have any legal interest in the land to which the application relates when you apply for planning permission, nor do you require the consent of the owner. But, if you do not own the land to which the application relates, you are legally required to give notice of the making of the planning application to the owner and to any agricultural tenant of the land. You must complete the appropriate Certificate of Ownership for your application to be validated by the planning authority.
48. Please note that if you are applying for permission for mineral extraction, you have to complete a different set of certificates, and you must publicise your proposal in the local press and in a notice displayed on the land.
49. Recorded Delivery is the preferred method of sending out notices since the receipt provides proof of delivery in the event of a dispute. First class post or hand delivery is also acceptable.



Neighbor Notification

50. Once your application has received and validated by the Planning Authority, the Planning Authority will notify the neighbors of the site. Neighbours will be given a period of time in which to make a comment on your proposal.

What does the Planning Authority take into account in making a decision?

51. The planning authority must make an assessment of your proposals in relation to their planning policies and guidelines. It may grant planning permission – either with or without conditions attached – or if it considers that the proposals are unacceptable it may refuse consent but in doing so, it must give clear reasons for this.
52. You should check the planning policies which are relevant to your proposals on the planning authority's webpages (or National Park's webpages for Cairngorm or Loch Lomond and Trossachs). You may also wish to discuss your proposal before you submit your application by requesting pre-application discussion with your planning authority. For details of relevant policies and guidance about arrangements for pre-application discussions, please contact your planning authority.

What happens if Consent is refused?

53. If the planning authority refuses permission for your proposals, you will either have a right to appeal the decision to the Scottish Ministers or request a review of the decision by the planning authority (local review body). For further guidance on requesting a review please refer to Circular 7/2009 'Schemes of Delegation and Local Reviews' and the 'Notice of Review Form' Guidance Notes, which are both available on the Scottish Government website.

Electronic Submission Of Application

54. Under the provisions of The Town and Country Planning (Electronic Communications) (Scotland) Order 2004, please note that by submitting your application using this form you are deemed to have agreed to the following:
- to the use of electronic communication for all purposes relating to the application; and
 - that the electronic address you have used is the one which will be incorporated into the application.
55. Should you wish to withdraw or revoke your consent you will have to advise the planning authority in writing that you wish to do so, giving at least 7 days' Notice of the date when your withdrawal of consent will take effect.



Annex 1. Form and Content of Applications (Statutory Requirements)

- *Regulations: 9 (1), (2) and (3); 10 (1), (2) and (3); 11 (1) and (2); 12 (1) and (2); 13 (1), (2), (3), (4), and (5) and Regulation 15 (1), (2), (3), (4), (5) and (6) of The Town and Country (Development Management Procedure) (Scotland) Regulations 2008*
- a) Applications for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, should be accompanied by a written description of the development to which it relates.
- b) Further applications, should be accompanied by sufficient information to enable the planning authority to identify the previous grant of planning permission.
- c) Further applications, where there is a variation of conditions attached to a previous consent, should be accompanied by a statement to that effect.
- d) Applications for approval of matters specified in conditions, should be accompanied by sufficient information to identify the planning permission to which it relates.
- e) Applications for planning permission or planning permission in principle, should be accompanied by 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 the land.
- f) Applications for planning permission, planning permission in principle, further applications, applications for approval of matters specified in conditions and applications for mineral development, should be accompanied by the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.
- g) Applications for planning permission, planning permission in principle and applications for mineral development, should be accompanied by a location plan sufficient to identify the land to which it relates; showing the situation of the land in relation to the locality and in particular in relation to neighbouring land. This should have a north point and be drawn to an identified scale.
- h) Applications for planning permission and applications for approval of matters specified in conditions, where such an application relates to the alteration or construction of buildings, other structures or roads or to landscaping and applications for mineral development, should be accompanied by such other plans and drawings as are necessary to describe the development to which the proposal relates.
- i) Applications for planning permission, planning permission in principle, further applications and applications for mineral development, should be accompanied by a certificate of ownership.
- j) Applications for planning permission, planning permission in principle and further applications where the application is for development belonging to the categories of national or major developments, should be accompanied by a pre-application consultation report.
- k) Applications for planning permission, where the application relates to development belonging to the categories of national or major developments, should be accompanied by a design and access statement unless the proposal benefits from exemption under



Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

l) Applications for planning permission where the application relates to development belonging to the category of local developments, (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008), should be accompanied by a design statement

m) Applications for planning permission in principle where access to the site is to be taken directly from a road, should be accompanied by a description of the location of the access points to the proposed development.

n) Applications relating to the installation of an antenna to be employed in an electronic communication network, should be accompanied by an ICNIRP declaration.

o) Applications for planning permission, planning permission in principle, further applications, applications for approval of matters specified in conditions and applications for mineral development, should be accompanied by the correct fee payable under the Fees Regulations.

p) Applications for planning permission, planning permission in principle, applications for approval of matters specified in conditions and applications for mineral development, should be accompanied by any other plans as the planning authority considers necessary under Regulation 24 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 .