

ECONOMIC GROWTH & DEVELOPMENT

Development Management Validation Standards 2023



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1. Introduction

- 1.1 Effective validation is critical to the determination of planning applications and issuing other consents. It's main purpose is to firstly ensure that applications meet specific legal requirements and that significant and clear drawings and supporting information are provided to allow the Local Planning Authority to make an informed and competent decision on all applications and consents. As the planning application, process involves consultation with internal and external consultees and neighbour notification with neighbouring properties applications need to be accompanied by information to enable comments to be made by all interested parties.
- 1.2 Submitting an application and then finding it is invalid can be very frustrating for all parties as it involves additional unnecessary resources and causes delays in the processing of applications.
- 1.3 The Council strongly supports successful and early validation of all applications. This document is designed to assist all applicants to achieve an application being valid on the first submission. This will reduce the overall processing time and will assist with issuing a decision on the application sooner.

2. The Validation Process

- 2.1 On receipt of an application, the Council will check the application against the relevant requirements for the application type. The Council aim to register applications, which are valid on receipt within 5 working days.
- 2.2 Where an application is **valid**, an acknowledgement letter will be issued advising who the case officer is. Neighbour notification will take place where necessary, advertisements placed in the local newspaper and consultations will be issued to internal and external bodies. The assessment of the application will then commence.
- 2.3 If it is found that further information is required to make the application valid, you will be advised within 5 working days of receipt. You will then have 28 working days from being notified to submit the required information before a reminder is issued.
- 2.4 The statutory timescale for determination of an application will not commence or any assessment be undertaken whilst the application remains invalid until all the necessary information has been received by the Council.

3. General Guidance – Planning Permission

3.1 This general guidance covers the following application types:

- Planning Permission (detailed/full)
- Planning Permission in Principle
- Approval of Matters Specified in Consent
- Variation of Condition (section 42)

Application Forms

3.2 Moray Council requests that all applications are submitted electronically through the Scottish Government's [e.planning.scot website](https://www.eplanning.scot.nhs.uk/)

Applicant and Agent Details

3.3 An application form must always contain both the name and address of the applicant.

3.4 An applicant does not need to have an agent acting on their behalf, however if one is used the agent's name and address must be provided and will be the sole point of contact during the application process. E-mail address and mobile telephone number are also required. The Council will send all correspondence via email to the agent (or applicant where there is no agent).

3.5 An applicant can be an individual, group of individuals, an organisation or group of organisations.

Postal Address or Location

3.6 If a site has a statutory postal address, it must be used. Flat numbers must be given where relevant. When submitting online, the ePlanning systems contain an address gazetteer, which will provide addresses from which you can select the correct one.

3.7 Where a development has no postal address, or only the eastings and nothing grid coordinates have been supplied (for example a field, part of a developments site which is yet to be given an address or an area of road or pavement), a suitable description must be agreed with the local planning authority. In these circumstances, a description of the site in relation to the nearest road or building in terms of the compass points should be sufficient.

Locations Plans

3.8 All types of application (except for a S.42 application) must include a location plan which identifies the position and extent of the application site.

3.9 The plans submitted should typically be Ordnance Survey based to ensure a high level of accuracy.

Scale

- 3.10 A suitable recognised metric scale (1:1250 or 1:2500) must be used and indicated on the plan. A scale bar must also be provided and the direction of the north point included.

Application Boundary

- 3.11 The application site boundaries must be clearly outlined with a continuous solid red line on the location plan. It must include all the land necessary to carry out the proposed development. Any land required to construct a new access to the site, drainage, landscaping proposed, car parking and any engineering operations must all be included within the red line boundary.
- 3.12 All other land shown on the location plan that is not part of the application site (i.e. not within the red line boundary) but which is in the same ownership of the applicant must be edged blue.
- 3.13 Householder applications for extensions or alterations to a property or for development within the garden areas of houses or flats must show the full property boundary as the application site.

Site Plans

- 3.14 Site plans (also referred to as site layout or block plans) must show the layout of the site and position of buildings, car parks, paths and roads, drainage and landscaping. A suitable recognised metric scale (generally 1:500, 1:250) must be used and indicated on the plans. A scale bar must also be provided and the direction of north shown.
- 3.15 Existing and proposed site plans must show:
- The site boundary outlined in red and other land owned by the applicant in blue –this must match the red line on the location plan
 - All land and buildings within a 20 metre radius of the application site
 - Accurate footprint/roof plan of all existing and proposed buildings (on existing and proposed site plans respectively) and structures located within the application site and annotated.
 - The extent of any hardstanding.
 - All boundary treatments such as walls and fences to be included with details of their height.
 - Areas of soft and hard landscaping clearly shown.
 - Where levels are on site to be altered by 0.5m or more, details of the existing and proposed levels will be required. This will be in the form of a layout plan featuring contours or spot heights, showing the level above ordnance datum (AOD). Finished floor levels (FL) or any proposed developments must be shown.

Floor Plans

- 3.16 A suitable recognised metric scale (generally 1:50 or 1:100) must be used and indicated on the plans along with a scale bar.
- 3.17 Existing and proposed floor plans must show:
- All window and door openings
 - All internal room divisions and a note of their current/proposed use
 - The extent of any walls to be demolished.
 - Clearly show the footprint of any proposed extension or free-standing building

Elevations

- 3.18 Existing and proposed elevations will be required in most cases where proposed alterations, extensions or the installation of advertisements would affect the external appearance of an existing building.
- 3.19 A suitable recognised metric scale (generally 1:50 or 1:100) must be used and indicated on the plans along with a scale bar.
- 3.20 Elevations must be marked using the compass points (east, west, south and north). Marking elevations with numbers or letters is not acceptable.
- 3.21 External finishes can be annotated on the drawing or alternatively a schedule of finishes should be provided.
- 3.22 Written dimensions noting the height to eaves and roof ridge must be provided along with the length and width of the building.

Roof Plans

- 3.23 Roof plans are required where proposals involve the construction of new buildings or the extension or alteration of an existing building, which would create a new roof or affect an existing roof.
- 3.24 A suitable recognised metric scale (generally 1:50 or 1:100) must be used and indicated on the plans along with a scale bar.
- 3.25 Existing and proposed roof plans must show:
- The shape of the roof
 - The direction the roof slopes if pitched
 - The roofing materials
 - The location and extent of any windows, rooflights, vents, chimney, flues and mechanical plant

Design and Access Statements

- 3.26 A Design and Access statement is required to be provided on all national and major planning applications. Whilst preparing such a statement the appropriate advice contained in **Planning Advice Note 68: Design statements** should be considered:.
- 3.27 Applications for planning permission for local developments within a Conservation Area, historic garden or designed landscape, site of a schedule monument or the curtilage of a category A listed building will require a Design Statement unless the development comprises the alteration or extension of an existing building.
- 3.28 A Design and Access Statement or Design Statement is not required for a S.42 application, householder development, engineering or mining operations, a material change in the use of land or buildings or for an application for planning permission in principle.

Design Statement

3.29 A Design Statement is a written statement about the design principles and concepts that have been applied to the development and which –

- explains the policy or approach adopted as to design and how any policies relating to design in the development plan have been taken into account.
- describes the steps taken to appraise the context of the development and demonstrates how the design of the development takes that context into account in relation to its proposed use.
- States what, if any, consultation has been undertaken on issues relating to the design principles and concepts that have been applied to the development; and what account has been taken of the outcome of any such consultation.

Design and Access Statement

3.30 A Design and Access Statement is a document containing both a design statement and written statement about how issues relating to access to the development for disabled people have been dealt with. It must explain the policy or approach adopted as to access and how:

- i) policies relating to such access in the development plan have been taken into account; and
- ii) any specific issues which might affect access to the development for disabled people have been addressed.

3.31 This should explain how the applicant's policy/approach adopted in relation to access fits into the design process and how this issue has been informed by any development plan policies relating to access issues.

3.32 Developers should consider setting out in the statement how access arrangements make provision both to and through the site to ensure users have equal and convenient access. Where Scottish Government policy relates to access, for example, the number of parking spaces for disabled people, this should be reference in the statement.

3.33 The statement must 'Describe how features which ensure access to the development for disabled people will be maintained'. The arrangements for long-term management and maintenance are as important as the actual design. Therefore content on maintenance will assist with ensuring maintenance of features are managed in the long-term.

3.34 The statement must 'State what, if any, consultation has been undertaken on issues relating to access to the development for disabled people and what account has been taken of any consultation'. If consultation has taken place this must be included in the statement with an indication of how this has influenced the final proposal. The statement should indicate with whom consultation was undertaken: for example, community groups, user groups or statutory consultees.

Application Fee

3.35. Most application types attract an application processing fee. These are set by the Scottish Government and are explained in the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. A **summary of the fees** associated with each type of application is available on the Council's website.

- 3.36 Further information on calculating fees is available in [Scottish Government Circular 2/2022 The Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022](#)
- 3.37 If your application is required to be advertised for neighbour notification purposes or as a departure a fee will be required for this advert. Some applications require a Schedule 3 (“bad neighbour”) or EIA advert and these are charged at a higher rate than other adverts.

ICNIRP Certificate

- 3.38 Where an application relates to an installation of an antenna to be employed in an electronic communication network, and ICNIRP (International Commission on Non-Ionising Radiation Protection) declaration must be provided stating that the antenna is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of ICNIRP.

Ownership Certificates

- 3.39 An applicant does not need to have a legal interest or ownership of the land, which the application relates to, nor do they need the landowner’s permission to make a planning application. If the applicant does not own the land, which relates to the application, they must advise the owner and the agricultural tenant of the land that an applications is being submitted to the local planning authority. This side on be serving the owner with the ‘Notice to Owners and Agricultural Tenants’, which accompanies the application forms. This also applies to instances where more than one party owns land and not all parties are making the planning application.
- 3.40 All planning applications (except for those for approval of matters specified in conditions) must be accompanied by a land ownership certificate, which certifies that the owner and any agricultural tenant has been notified. It is the applicant’s responsibility to serve the notice and then provide the planning authority with the correct certificate.
- 3.41 The form of the notice is specified in Schedule 1 of the regulations.
- 3.42 There are five certificates which cover different scenarios, one should be completed –
- **Certificate A** – to be signed where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land;
 - **Certificate B** – to be signed where the applicant is not the owner or sole owners of the land to which the application relates and or where the land is agricultural land and all owners/agricultural tenants have been identified;
 - **Certificate C** – to be signed where the applicant is not the owner or sole owner of the land to which the application relates and /or where the land is agricultural land and it has not been possible to identify **ALL** or **ANY** owners/agricultural tenants.
 - **Certificate D** – to be signed where the application is for mineral development (mining/quarrying);
 - **Certificate E** – to be signed where the applicant is the sole owner of all the land and the land to which the application relates is agricultural and there are no agricultural tenants.

Crown Land

- 3.43 Where all or part of the site area of the application relates to Crown land, a statement to that effect must accompany it.

4. Regulations & Procedures

- 4.1 The following regulations and circular contain detailed information regarding validation requirements for planning applications:

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Part 3

Development Management Circular 3/2022 – Development Management Procedures

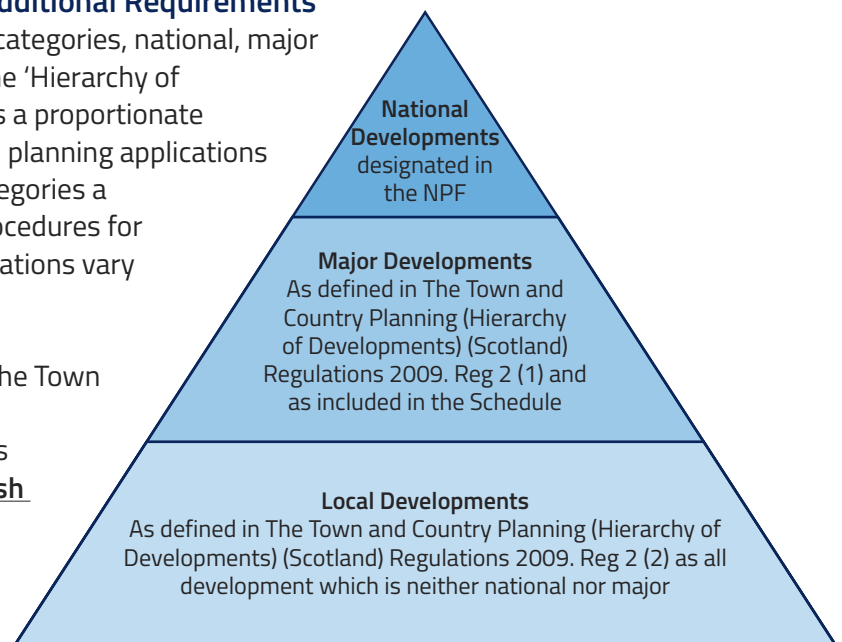
The Town and Country Planning (Scotland) Act 1997 – Section 40

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 – Part 2 and 4

National and Major Developments – Additional Requirements

- 4.2 Planning applications fall into three categories, national, major and local – these are described as the ‘Hierarchy of Developments’. The hierarchy allows a proportionate approach to be used for dealing with planning applications depending on which of the three categories a development falls within and the procedures for making and handling planning applications vary between each.

- 4.3 Major developments are defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. Guidance is available in [Scottish Government Circular 5/2009 \(Hierarchy of Developments\)](#).



Proposal of Application Notice (PoAN)

- 4.4 All applications for national or major developments are required to go through pre-application consultation (PAC) process prior to submission of the application. Where PAC is required, the prospective applicant must provide to the planning authority with a ‘proposal of application notice’ (POAN) at least 12 weeks prior to the submission of an application for planning permission. Thereafter, the applicant must prepare a pre-application consultation report of what has been done during the pre-application phase to comply with the statutory requirements for PAC and any requirements set out in the planning authority’s response to the POAN. The consultation report must be submitted with the planning application before it can be validated. Any publication of an event must be placed in the newspaper at least 7 days prior to the event. Each event has to be publicised separately. Further guidance is available in the Development Management Circular 3/2022 – Development Management Procedures – link above. Two public events are now required to be held.

- 4.5 The ePlanning Scotland system cannot be used to apply for this type of from the application. However, a copy of the 'Proposal of Application Notice' is also available from the same website, which can be competed and submitted by e-mail.
- 4.6 The 'description of proposal must outline the general characteristics of the development in terms of the nature of the use, its scale and include any significant infrastructure forming part of the proposal. A very detailed or narrow descriptive content in the proposal of application notice means that relatively minor changes could trigger the need for a fresh notice to be served. A location plans is required it identify the land to which the proposal relates. There is no fee for the submission of a Proposal of Application Notice.
- 4.7 Design and Access statements are required for all national and major planning applications before applications can be validated.

EIA Screening and Scoping Opinions

- 4.8 Environmental Impact Assessment ("EIA") is the process by which information about the likely significant environmental effects of a project, and the potential for reducing, avoiding or offsetting any adverse impacts, is collected and assessed by the developer; this information, together with comments received from the consultation authorities and the public, must be considered by the planning authority before any planning decisions are made.
- 4.9 EIA may be required where a development is a type described in Schedule 1 and may be required for developments of a type described in Schedule 2 of the Regulations:
- a) Schedule 1 development will require EIA in every case. Schedule 1 development includes large scale developments with obvious potential for environmental effects, such as crude oil refineries, major chemical and steel works and larger scale quarries.
 - b) Schedule 2 developments have specific thresholds to be screened against, however screening of development in sensitive areas is required regardless of the threshold and will require EIA only if the specific development in question is judged likely to give rise to 'significant' environmental effects. To determine whether an EIA is needed, a screening opinion will usually be required. Detailed guidance on identifying schedule 2 development is provided in **Planning circulate 1/2017**.
- 4.10 Before applying for planning permission, developers who are in doubt whether EIA will be required may request a screening opinion from the planning authority. If it is determined that EIA is required, a scoping opinion request must be submitted. A scoping opinion is the planning authority's position as to the information, which should be provided, in the environmental report part of the EIA.

5. Other Supporting Information for Validation purposes

5.1 In addition to the minimum validation standards it has been agreed that the following information should accompany planning applications before they are validated:

- **Planning Statement** – A detailed description of the existing used and proposed use (Including numbers of staff/anticipated numbers of clients, proposed hours of working/days of the week, description of existing/lawful use, any amplified music, odour extraction details and any take-away element).
- **Compliance Statement** – A statement outlining how the proposal complies with the both NPF4 and MLDP 2020 policies (National, Major and Local application types).
- **Private Water details** – Provide a National Grid Reference for each supply source and mark the supply (and all works associated) e.g. the source, holding tank and supply pipe, accurately on the application plan. You are also required to provide information on the source type (e.g. well, borehole, spring). This information is necessary to enable the appropriate authorities to advise on the environmental impact, adequacy, wholesomeness, capacity of supply for existing and proposed users and pollution risks. If you are intending to use an existing private water supply for the proposed development please contact Environmental Health at EAdmin@moray.gov.uk, or phone 01343 563088 for specific guidance and advice and provide the details to this office.
- **Drainage Statement - All developments** of less than three new dwellings or a non-householder extension under 100 square metres are required to provide a drainage statement. This statement should describe the proposed drainage arrangements for the development, e.g. a private drainage system such as a soakaway or connection to Scottish Waters drainage network. Plans submitted with the application should include the proposed layout of the drainage proposals. If the proposed drainage system involves infiltration, information on ground conditions should also be provided. The statement should demonstrate, that the post-development runoff rate does not exceed the pre-development runoff rate or increase flood risk through discharge to a receiving watercourse. A Drainage Impact Assessment is required for all development of more than three dwellings (Supplementary Guidance on Flooding and Drainage, link below).

All **householder** extensions over 25sq m square metres or within a flood sensitive area are required to provide a drainage statement. This statement should describe the proposed drainage arrangements for the development, e.g. a private drainage system such as a soakaway or connection to Scottish Waters drainage network. Plans submitted with the application should include the proposed layout of the drainage proposals. If the proposed drainage system involves infiltration, information on ground conditions should also be provided. The statement should demonstrate, that the post-development runoff rate does not exceed the pre-development runoff rate or increase flood risk through discharge to a receiving watercourse.

- **Vehicular Access** – All alterations to existing accesses and formation of a new access should be should on a scaled plans with the required visibility splay to meet Moray Council standards. See [Transport Development webpage](#)

- **Car parking and cycling provision layout** – A scaled site plan should show the car parking and cycling provision layout.
- **Tree surveys** – You have indicated on the application form that there are trees on the site. Any trees and their species should be marked up on the site plan. Please refer to the [supplementary Guidance Trees and Development](#) on the Councils web site.
- **Landscape scheme** is required showing:
 - the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed.
 - details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site.
 - details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.

5.2 Other types of supporting information may be requested from consultees as part of the pre application advice service and include the following:

- **Transport Assessment** – A report detailing existing travel patterns which may be affected by the proposed development, how they may be affected and what measures would be taken to mitigate congestion, road safety concerns. See [Transport Development webpage](#)
- **Flood Risk Assessment** – A report to identify the potential risk of flooding should the proposed development be completed. The report will give details of both the risk to the site itself and the impact of the proposed development on surrounding watercourses.
- **Topographical Survey** – A survey showing both existing and proposed site levels.
- **Habitat Survey** – a report detailing any significant wildlife habitats or species within the locality of the proposed development which may be affected by it, including details of any proposed measures to mitigate any negative impact.
- **Ecological Appraisal** – A report evaluating the importance of any ecological features present within the site.
- **Noise Impact Assessment** – A report, which identifies the potential noise impact of the proposed development on its surroundings and any measures, proposed to mitigate by potential negative impact. This type of report can also be required to show how existing sources of noise may impact on the proposed development and what mitigation measures may be required.
- **Retail Impact Assessment** – A report that details the potential impact of the proposed development on the trade of existing premises within the surrounding area.
- **Contaminated Land Assessment** – A detailed site-specific report covering the type and extent of contamination and what measures are required and will be completed in order to ensure the site is fit for its intended use.

- **Private Water Supply** – A detailed site-specific report relating to the quantity and quality of any proposed private water supply, which should also detail the type of system to be used.
- **Archaeological Assessment** – A report detailing any areas of archaeological interest within the locality of or within the site itself. The report should include any measures proposed to safeguard such sites from being negatively impacted by the proposals.
- **Affordable housing details/mix** – Details of proposed affordable housing mix to comply with development plan policy.
- **Recycling and bin storage** – Details of where bin and recycling facilities are to be provided.
- **Landscape and Visual assessment** - A report showing the anticipated landscape and visual effects of the proposed development.
- **Landscaping Plan** – A plan produced to scale which details the proposed landscaping of the developments site. The plans should clearly show the number and species of all plant and tree types proposed along with grassed areas, hard surfacing and other relevant features. Details of phasing and maintenance should be provided.
- **Structural surveys** – On request.
- **Community Wealth Building Statement** – See link to policy guidance note: [link](#)
- **Carbon and climate considerations:** - Whole Life carbon assessment, Carbon management plan and reporting plan, carbon sequestration statement, renewable energy and heat decarbonisation statement and barriers to net zero statement - See link to policy guidance note.

5.3 See links to NPF4 and Moray Local Development Plan 2020:

NPF 4

MLDP 2020

5.4 **Additional Guidance on MLDP 2020 Polices** covering Place making, Inclusive and accessible play equipment, Electric Vehicle charging and Car sharing spaces, Daylight and sunlight, Forestry, cycle parking and woodlands and trees.

5.5 **Supplementary guidance on Flood Risk and Drainage Impact Assessment** for new Developments.

5.6 **Supplementary Guidance on Developer Obligations.**

6. Advertisement Control

The Town and Country Planning (Scotland) Act 1997 – Section 182

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 – Regulation 15

- 6.1 The display of signs and similar items is controlled by the 1984 advertisement control regulations which defines an advertisement as - 'any word, letter, model, sign, placard, board, notice awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, (excluding any such thing employed wholly as a memorial or as a railway signal) and included any hoardings or similar structures or any balloon used or designed or adapted for use any anything else used or design or adopted principally for use, for the display of advertisements.'
- 6.2 The application description must include the number and type of advertisements for which consent is being sought, i.e. illuminated or non-illuminated, fascia or projecting sign.
- 6.3 The proposed materials for the signs must be provided and colours of the different advertisement component including any lettering, background or logos.

7. Certificate of Lawfulness (Existing Use or Development) Certificate of Lawfulness (Proposed Use or Development)

The Town and Country Planning (Scotland) Act 1997 – Section 150/Section 151

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Regulation 42

- 7.1 A certificate of lawfulness is a remedy for when building work has been carried out in the past or where, for several years, a development or use has existed without meeting a planning condition. A certificate of lawfulness allows the planning authority to make a formal decision that the development or use may continue without enforcement action. An application is most commonly made for one of two reasons but can be made for other reasons :-
- The planning authority take enforcement action and the owner believes they are immune from action because the time limit for taking enforcement action has passed (see below); or
 - The owner discovers, during selling the land or property that that planning permission was never given for the development, and they need to show possible buyers that the planning authority cannot take enforcement action.
- 7.2 If, on the receipt of an application, the planning authority are provided with information satisfying themselves at the time of the application of the use, operations or other matters described in the application, or that description as modified by the planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refused the application. It is therefore the responsibility of the applicant to provide sufficient evidence that the use, operation or other matter is lawful. Supporting information must be clear and convincing and can include photographs, invoices or documents showing the length of time a use has taken place or when building work or other work was finished. Sworn statements are also often requested to support an application.
- 7.3 A certificate of lawfulness for a proposed use or development is a way of getting a formal and definitive decision from the planning authority about whether a proposed use or proposed building work needs planning permission. In determining an application, the planning authority will examine whether the proposals falls under the definition of development, whether it may be permitted development and any existing planning permission, which may exist.
- 7.4 An application can be made online via ePlanning.scot. A copy of the certificate of lawfulness – existing and proposed form is available on the same website.

8. Listed building Consent

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – section 9 and 10

The Planning (Listed building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015 – Regulation 4

- 8.1 Listed buildings are buildings which are included in the Historic Environment's Scotland list of buildings as special architectural or historic interest. The term 'building' can include a wide range of man-made structures such as buildings, fountains, statues, bridges and other engineering structures. Listed Buildings are classified under one of three categories, which in order of significance are A, B or C. Listing covers both the inside and the outside of the property.
- 8.2 Listed building consent is required from the planning authority for any works for the demolition of a listed building or for its alteration or extension in any manner, which would affect its character as a building of special architectural or historic interest and demolition. There is added control on the curtilage of a listed building and often a shed for example, would require planning permission.
- 8.3. Planning permission may also be required for works which affect the exterior of the building or where a change of use is proposed.
- 8.4 An application form can be made online via ePlanning.scot. There is no fee for a listed building application.
- 8.5 Where works are proposed which alter the means of access to the building, an access statement must be submitted, this could involve the creation or alteration of doors, ramps, steps or gates. Regulation 6 of the 2015 regulations states that an access statement is a document containing a written statement about how issues relating to access to the building for disabled people have been dealt with and which:
 - Explains the policy or approach adopted as to such access and how any specific issues arising from the proposed works might affect such access have been addressed;
 - Describes how features which ensure access to the building for disabled people will be maintained; and
 - States that, if any, consultations has been undertaken on issues relating to access to the building for disabled people and what account has been taken of the outcome of any such consultation.

Window survey

- 8.6 Where an application relates to the replacement of windows a window condition survey is required to be submitted.
- 8.7 Further information on replacement windows and doors can be found within our **guidance note**.

Stone Cleaning Report

- 8.8 Where an application relates to the stone cleaning of a building or structure a stone cleaning report should be submitted. This will assess the current condition of the stonework and explain the method of cleaning which is proposed.
- 8.9 For further information on stone cleaning see [Historic Environment Scotland guidance](#)

9. Conservation Area Consent

The Planning (Listed buildings and Conservation Areas) (Scotland) act 1997 – section 66

The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015 – Regulation 4

- 9.1 Conservation area consent is required from the planning authority for works involving the total or substantial demolition of unlisted buildings within a Conservation Area. This includes the demolition of a building behind a retained façade but does not include the demolition of a part of a building, e.g. an extension or a shopfront.
- 9.2 Conservation area consent is not required for building less than 115 cubic metres.

10. Certificate of Appropriate Alternative Development

Land Compensation (Scotland) Act 1963

The land Compensation (Scotland) Development Order 1975

- 10.1 Where land is to be acquired using compulsory purchase powers, the owner of the land, acquiring authority or other person with an interest, may apply to the planning authority for a certificate of appropriate alternative development (“CAAD”), which sets out the uses of the land for which planning permission would have been granted if the land had not been compulsorily acquired. This is to assist in establishing the value of the land and thereafter an appropriate amount of compensation to be awarded to the landowner by the acquiring authority.
- 10.2 There is no application form for CAAD applications, therefore submissions should be made in writing or e-mail. The applicant must state whether there are, in their opinion, any classes of development which either immediately or at a future time, would be appropriate for the land in question, if it were not proposed to be compulsorily acquired. The applicant must also state their grounds for holding that opinion.
- 10.3 A location plan is required to identify the land to which the application relates, other drawings can be submitted to support the applicant’s position.
- 10.4. The applicant must provide a copy of the application to the other party directly concerned. In most circumstances, the other party will be the acquiring authority who is using compulsory purchase powers e.g. Transport Scotland. The application to the planning authority must include a written statement stating the date when a copy of the application was provided to the other party. There is no fee for the submission of an application for a CAAD.

11. Modification or Discharge of Planning Obligations

The Town and Country Planning (Scotland) Act 1997 – Section 75A (2)

The Town and Country Planning (Modification and Discharge of Planning Obligations (Scotland) Regulations 2010

- 11.1 The planning authority can enter into a planning obligation (also known as a legal agreement, planning agreement, or section 75 agreement) with a developer to secure financial contributions, secure provision of infrastructure or control matters, which cannot be dealt with by attaching condition to a planning permission. A planning obligation is registered in the Land Register of Scotland and binds successors in title to the land to its terms.
- 11.2 A developer may wish to modify an obligation, perhaps due to a change in circumstances or to discharge (remove) it or if they have met all the terms of the obligation, such as making payments. To do this a formal application must be made to the planning authority. A copy of the application form can be used to apply for this application from the ePlanning Scotland system. There is no fee for the submission of an application for the modification or discharge of a planning obligation.
- 11.3 Further guidance can be found in **Scottish Government Circular 3/2012 (Planning Obligations and Good neighbour agreements)**.

12. Prior Notification

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992

- 12.1 Prior notification is a procedure where a developer must tell the planning authority about their proposals before taking advantage of permitted development rights, which allow them to carry out development without applying for planning permission. The result will be a decision that 'prior approval' is or is not needed. If the decision is that approval is needed, the planning authority may ask for information before they can decide whether to give prior approval. If the planning authority decides to grant prior approval, they may set conditions or limitations that the applicant will have to meet as well as any restrictions that apply to the development set out in the General Permitted Development Order (GPDO).
- 12.2 See our website for further guidance:

Prior Notifications - Agricultural and Forestry Buildings

Prior Notifications – Residential and Flexible Commercial Use

Prior Notifications – Private ways for Agricultural and Forestry Use

13. Hazardous Substance Consent

Planning (Hazardous Substances) (Scotland) Act 1997 – Section 5

The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 – Regulations 6, 7 and 8

- 13.1 The hazardous substance consent system ensures that hazardous substances can be kept or used in significant amounts only after the responsible authorities have had the opportunity to assess the degree of risk arising to persons in the surrounding area and to the environment.
- 13.2 There are three types of applications related to hazardous substances. These are:
- Application for a new hazardous substances consent (regulation 6)
 - Application for removal of conditions from an existing consent (regulation 7)
 - Application for continuation of hazardous substances consent where there has been a change in the person in control of part of the land – (regulation 8)
- 13.3 The eplanning Scotland website cannot be used to apply for this type of application. An online form wizard is provided through the **Health & Safety Executive**. The wizard will guide applicants through the completion of the relevant application form and produce a completed form, which can be submitted as part of the application.

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