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# Planning in Scotland: An introduction

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This briefing describes how key elements of the Scottish town and country planning system operate, focusing on development planning, development management, and planning enforcement. It also considers the systems governing change to listed buildings and conservation areas, plus the advertisement consent regime.



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# Introduction

This briefing provides an overview of the key elements of the Scottish town and country planning system, beginning with major legislation and policy. It goes on to summarise how the development planning, development management, and planning enforcement elements of the planning system operate. It finishes with brief overviews of the consenting regimes for listed buildings, conservation areas, and advertisements.

# Legislation

The Scottish planning system is governed by two key pieces of legislation:

- The Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) is the basis for the planning system and sets out the roles of the Scottish Ministers and local authorities with regard to development plans, development management and enforcement. This Act was substantially amended by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019.
- The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is mainly concerned with the designation and protection of listed buildings and conservation areas. This Act was amended by the Historic Environment (Amendment) Scotland Act 2011 and the Historic Environment (Scotland) Act 2014.

# The purpose of the planning system

Since November 2019, the purpose of the development planning function of the planning system has been set out in Section 3AZ of the 1997 Act, which states “the purpose of planning is to manage the development and use of land in the long term public interest”. It goes on to clarify that “in the long term public interest” includes anything which contributes to sustainable development or the achievement of the Scottish Government's [national outcomes](#).

# Key Scottish Government Planning Policy Documents

The Scottish Government sets out its key planning policies and priorities in three documents:

1. [National Planning Framework 4](#) (NPF4) <sup>1</sup> establishes the Scottish Government's spatial strategy for the development of Scotland up to 2045. It sets out spatial principles to guide the location and nature of development, identifies regional development priorities, lists 18 national developments considered vital to the delivery of the spatial strategy, and describes 33 national planning policies that influence every planning decision taken in Scotland. NPF4 was adopted by Scottish Ministers on 13 February 2023, following its approval by the Scottish Parliament on 11 January 2023.
2. [Designing Streets](#) <sup>2</sup> sets out national planning, architecture and transport policies as they relate to street design.
3. [Creating Places](#) <sup>3</sup> sets out national policies on architecture and place making.

Additional planning advice and guidance is set out in the following Scottish Government publications:

**Circulars:** [Circulars](#) contain Scottish Government policy on the implementation of legislation or procedures, aimed at local authority planners and other development professionals. Statements of Scottish Government policy in Circulars may be material considerations to be taken into account in Local Development Plans and development management decisions.

**Planning Advice Notes:** The Scottish Government produces a series of [Planning Advice Notes](#) (PANs) and other guidance which provide advice and information on technical planning matters, again principally aimed at local authority planners and developers.

# Development planning

The Scottish planning system is described as 'plan-led'. National and local land use policies and proposals, plus potential development sites, are set out in the statutory development plan – which is made up of the relevant local development plan and National Planning Framework 4. Planning authorities are required to make decisions on applications for planning permission in accordance with the development plan, unless there are compelling reasons, "material considerations", which indicate that the decision should be otherwise. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Ultimately, the question of whether a consideration is "material" is a point of law and so something which is for the courts to determine – although the involvement of the courts in such decisions are very rare and only arise where there has been a legal challenge to a planning decision.

There is no definitive list of material considerations, as what is "material" will differ between individual applications. However, Annex A (pages 57 and 58) of [Planning Circular 3/2022 Development Management Procedures](#)<sup>4</sup> provides an explanation of how a decision maker should go about identifying what constitutes a material consideration when deciding an application for planning permission.

The development plan for every part of Scotland is made up of two key documents – NPF4 and a Local Development Plan (LDP), as described below.

**Local Development Plans:** Local Development Plans (LDPs) cover the whole of Scotland and identify sites for new developments and set out policies that guide decision making on planning applications. Each Planning Authority (i.e. local authority and National Park Authority) is required to publish and then update Local Development Plan(s) covering their area at least once every ten years.

**NPF4:** The Scottish Government sets out its long-term plan for the development of Scotland to 2045 in the national spatial strategy section of [National Planning Framework 4](#) (NPF4), which is briefly summarised below.

The national spatial strategy focuses on creating places that are:

1. **Sustainable:** Every planning decision should contribute to Scotland becoming a more sustainable place, particularly encouraging the development of low and zero emission buildings, reducing the need to make short trips by private car, expanding renewable energy provision, and acting to improve biodiversity.
2. **Liveable:** Places will be designed to facilitate walking and cycling, active recreation, play, and the enjoyment of the natural and built environment.
3. **Productive:** Development will play to the economic strengths of each part of Scotland, the aim being to create a “wellbeing economy” that fosters fair work and green jobs.

The national spatial strategy is underpinned by six spatial principles. These are:

1. **Compact urban growth:** Urban expansion will be directed to vacant and derelict land, with a focus on increasing the density of settlements, which will minimise

resource use, maximise opportunities for active and sustainable travel, and focus on issues including flood risk management and biodiversity.

2. **Local living:** Policy will focus on local liveability and improving community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.
3. **Rebalanced development:** Development should be spread across Scotland, aiming to create opportunities in areas of decline, support population growth in rural areas and reduce development pressure in areas of high demand.
4. **Conserving and recycling assets:** Policy will focus on making productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.
5. **Rural revitalisation:** Policy will encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.
6. **A just transition:** The strategy focuses on ensuring that people have the opportunity to help shape the development of their local areas, throughout the transition to net-zero living.

In the event of any incompatibility between a provision in NPF4 and a provision of an LDP, whichever of them was published later will prevail - bearing in mind that a planning authority developing an LDP must take account of the spatial strategy, policies, and proposals set out in NPF4.

More information on the development planning process can be found in the Scottish Government's [Local Development Planning Guidance](#)<sup>5</sup>.

The Town and Country Planning (Scotland) Act 2019 ("the 2019 Act") includes provision for the introduction of a new, non-statutory category of plan (Regional Spatial Strategies - RSS) which have yet to be brought into force. RSS would be produced by one or more planning authorities working together and set out the long-term spatial strategy for the development of the plan area. The 2019 Act also introduced Local Place Plans (LPPs), these are community-led plans that set out proposals for the development and use of land within a particular locale. The community body developing an LPP must have regard to any relevant LDP, NPF4, and any other matters prescribed by the Scottish Government. The relevant planning authority will register any completed LPP compliant with these requirements, and must have regard to its contents when preparing or reviewing a relevant local development plan.

# Development Management

Development management describes the process used by planning authorities to reach a decision on the granting or refusal of an application for planning permission. The Scottish Government describes the operation of this system, and its policy on development management, in [Circular 3/2022: Development Management Procedures](#) . The following is a very brief overview of the main aspects of the development management process.

**Types of planning permission:** A developer can apply for two different types of planning permission:

1. **Planning Permission in Principle:** This is an application for the principle of development only. While the intention is that less detail is required for such applications, more information can be or may have to be requested by the planning authority before making a decision, e.g. where an environmental impact assessment is required. Even if permission in principle is granted, development cannot start until a further application(s) for Approval of Matters Specified in Conditions, giving the full details of the development, is applied for and granted.
2. **Planning Permission:** This is an application for full planning permission and must contain full details of the proposed development e.g. detailed plans, drawings and relevant assessments.

**Hierarchy of developments:** All proposed developments fall within one of the three categories of the hierarchy of developments, which can be described as follows:

- **National developments:** 18 developments, including energy infrastructure, mass transit systems, green networks, and major strategic development sites, have been designated as of national significance in NPF4.
- **Major developments:** Nine classes of large-scale development are defined as major developments in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- **Local Developments:** Any development which is not a national or major development is automatically categorised as a local development.

Where an application sits within the hierarchy will influence how it is handled. For example, national and major developments are normally subject to a statutory requirement for pre-application consultation by the prospective developer.

**Pre-application consultation:** Prior to submitting an application for a national or major development, the applicant must carry out a community consultation exercise before submitting a planning application.

**Submitting an application:** A planning application can be submitted via the Scottish Government's [e-planning portal](#) , or on a paper form available from the relevant local authority.

**Receipt and processing of the application:** On receipt of the application, the planning authority will:

- validate the planning application, i.e. check that the required information has been submitted.
- publicise the application as required.
- consult as required with statutory consultees, e.g. Historic Environment Scotland, other council departments and interested organisations for their views.
- the planning officer will usually visit the site and consider the application against the development plan, responses from statutory consultees, relevant Scottish Government policy and advice and representations from the public.

**Making a decision:** In determining an application a planning authority can:

- Grant permission unconditionally.
- Grant permission subject to conditions.
- Refuse permission.

Decisions on national and major developments will normally be made by Councillors of the relevant planning authority while local developments are likely to be decided by planning officers, under a “scheme of delegation” which devolves decision making powers over smaller scale developments from councillors to planning officers.

For national or major developments considered significantly contrary to the Development Plan, a Pre-Determination Hearing will be held. This must take place before a committee of the council and affords those who made representations the opportunity to speak. The application is then determined at a full council meeting.

**Right of appeal or review:** If a planning authority refuses planning permission, grants permission subject to conditions that the applicant considers unreasonable or fails to determine an application within specified timescales (two months for local developments and four months for major and national developments - unless agreed otherwise with the applicant) then the applicant can appeal. There are two planning appeal systems in Scotland. These are:

1. **Local Review:** If a planning decision on a local development was taken by a planning officer under a scheme of delegation, then any appeal will be made to the Council’s Local Review Body. A local review body is made up of at least three councillors who were not involved in the original decision.
2. **Planning appeal:** If a planning decision was not made by an official under a scheme of delegation, typically decisions made by members of the planning authority (that is Councillors or National Park board members), then any appeal against that decision is made to Scottish Ministers (mostly delegated to independent planning experts known as “reporters” to make the decision).

**Role of Scottish Ministers:** In addition to handling planning appeals, Scottish Ministers have a general power to intervene in any planning application, prior to a decision being issued by a planning authority. However, they normally only use this power, often referred to as calling-in an application, where it raises an issue of national importance, as set out in the [Ministerial Statement on circumstances for call-in](#) <sup>6</sup>.

**Developer contributions:** Developer contributions are typically secured through a ‘planning obligation’ given force by a legal agreement between a planning authority and developer under Section 75 of the Town and Country Planning (Scotland) Act 1997. The Scottish Government describes the role of planning obligations in [Planning Circular 4/2025: Planning Obligations and Good Neighbour Agreements](#)<sup>7</sup> as:

“ Planning authorities must consider each planning application on its merits and reach a decision in accordance with the development plan, unless material considerations indicate otherwise. They must not take into account matters which are unrelated to the proposed development. Thus a planning obligation made in connection with a planning application should not seek to provide benefits which are unconnected with the development: such an obligation should be given no weight in the planning decision, whether it is requested by the authority or offered by the developer. This principle is central to maintaining confidence in the planning system and avoiding any perception of buying and selling of planning permission.”

In essence, a planning obligation is a contract between the planning authority and the landowner (and possibly future landowners, depending on the terms of the agreement) which restricts or regulates the use of land, for example through requiring developers to mitigate against any potential negative impacts of the development through means set out in the agreement. This can include the development of infrastructure and public amenities, or making a payment to the planning authority towards their development, e.g. expanding a school or improving a road. The issues covered by a planning obligation are such that they could not normally be enforced through a condition attached to planning permission.

**Development that does not need an application for planning permission:** Certain types of development do not need an award of planning permission, principally under two specific systems outlined below:

**Permitted development:** Section 26 of the Town and Country Planning (Scotland) Act 1997 defines development as:

“ ...the carrying out of building, engineering, mining 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, or the operation of a marine fish farm in the circumstances specified in section 26AA”

Technically, anything falling within this definition requires planning permission. However, certain classes of development benefit from a general planning permission known as ‘permitted development’. The types of development defined as permitted development in Scotland are set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, usually referred to as the ‘GPDO’. Where a development qualifies as permitted development there is no need for the developer to apply for planning permission or undertake any public consultation prior to beginning work. Certain types of permitted development require the developer to notify the planning authority of their intentions before beginning work (known as “prior notification”). Public consultation is not a requirement of the prior notification process.

Schedule 1 of the GPDO, as amended, sets out the classes of development covered by permitted development rights. Roughly 90 types of development benefit from some form of permitted development right – including development within the curtilage of a dwelling house, extensions to dwellings, forestry buildings, agricultural buildings, aviation developments, CCTV cameras, microgeneration equipment, electric vehicle chargers and

many others. It is worth noting that permitted development rights are usually subject to limits on the size and location of individual developments. Developments that do not meet these requirements usually need an express award of planning permission before they can proceed.

The permitted development rights regime exists to minimise cost and bureaucratic hurdles for small scale developments which have limited visual, or amenity effects or are essential to the provision of vital local and national infrastructure, such as telecommunications, water and sewerage, railways, agriculture, and forestry. The Scottish Government is undertaking a significant review and expansion of the permitted development rights regime, a key plank of its reform of the Scottish planning system. Details can be found in the [Scottish Government Review of Permitted Development Rights - Phase 3](#)<sup>8</sup>.

**Use classes:** The Town and Country Planning (Use Classes) (Scotland) Order 1997 establishes 11 broad use classes. Any building or land that has planning permission to be used for a purpose that falls within a use class can be used for any other purpose within that class without the need for planning permission, e.g. under Class 1A a travel agency can be turned into a hairdressing salon without the need for planning permission. It is worth noting that planning permission could still be required if physical alterations to the building carried out to facilitate the change of use meet the definition of “development”.

Certain uses are considered “sui generis”, Latin for unique, meaning that they do not fall within any use class. These tend to be “bad neighbour” uses (as defined in Regulation 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended), such as pubs, hot food takeaways, petrol stations, and scrapyards. Anyone wishing to create such a business will always need to apply for planning permission.

# Enforcement

Planning authorities have a range of enforcement powers available to deal with developments built without planning permission, or when developments are not built in accordance with permission granted. It is important to note that planning enforcement is a discretionary power, normally only used when it is in the public interest to do so. These powers are briefly summarised below:

- **Planning Contravention Notice:** A Planning Authority can issue a Planning Contravention Notice (to anyone with an interest in land) to obtain information on whether activities on that land constitute a breach of planning control.
- **Enforcement Notice:** A Planning Authority can issue an Enforcement Notice when it considers that a breach of planning control has occurred. Failure to comply with the remedial steps required by an enforcement notice can lead to a fine, on summary conviction, not exceeding £50,000, or on conviction on indictment to an unlimited fine. There is a right of appeal to Scottish Ministers against the issue of an enforcement notice. A planning authority may also take direct action to enter land and carry out works where an enforcement notice is not complied with. Costs of direct action are recoverable from the landowner or other responsible person.
- **Breach of Condition Notice:** This can be used as an alternative to an Enforcement Notice, and is used to enforce the conditions of a planning permission. Failure to comply with a breach of condition notice can lead to a fine of £1000 on conviction.
- **Stop Notice:** Where a Planning Authority considers that a breach of planning control must be dealt with as a matter of urgency it may issue a stop notice. A stop notice can only be issued in conjunction with an enforcement notice.
- **Temporary Stop Notice:** A temporary stop notice is similar to a stop notice but takes immediate effect.
- **Fixed Penalty Notices:** A Planning Authority also has the power to issue a Fixed Penalty Notice for a failure to comply with an Enforcement Notice or a Breach of Condition Notice.
- **Notice requiring a retrospective planning application:** where the planning authority consider the breach can be corrected by retrospective permission, including conditions if appropriate, they can issue a notice requiring an application to be submitted
- **Interdict:** Although not a specific planning power, a Planning Authority can apply to the sheriff court or Court of Session for an interdict where they consider a breach of planning control has occurred, or is about to occur.

Every Planning Authority is required to produce an enforcement charter, updated every two years, which sets out how the enforcement system works, the role of the Planning Authority in enforcement, and its service standards.

More information on these enforcement options is set out in [Circular 10/2009: Planning Enforcement](#)<sup>9</sup>.

# Listed Buildings

[Historic Environment Scotland](#) (HES) is required to [maintain a list](#) of buildings of special architectural or historic interest deemed worthy of statutory protection from unauthorised alteration, extension or demolition under the provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended. The criteria for determining whether a building is of “special architectural or historic interest” are set out in HES’s [Designation Policy and Selection Guidance](#)<sup>10</sup> which assesses a building’s cultural significance under two main headings - architectural interest, and historic interest.

The term “building” is defined very broadly and can include structures as diverse as bridges, walls, post boxes, chimneys, statues, war memorials and mile posts. To be listed, a building need not be functioning for the purpose for which it was originally intended: for example, a disused church may be listed even though it has continued its life as a block of flats or a pub.

Similarly, a building’s state of repair is not normally a relevant factor in HES’s consideration of its architectural interest or historical association. It only becomes a factor when the building’s condition has devalued its architectural or historic interest to the degree that it can no longer be regarded as special.

Every listed building is assigned to one of three categories according to their relative architectural and historic importance. It is important to note that all categories of listed building provide statutory protection that applies equally to the interior and exterior of listed buildings. The three categories are:

- **Category A:** Buildings of special architectural or historic interest which are outstanding examples of a particular period, style or building type.
- **Category B:** Buildings of special architectural or historic interest which are major examples of a particular period, style or building type.
- **Category C:** Buildings of special architectural or historic interest which are representative examples of a period, style or building type.

There are around 47,000 listed buildings in Scotland, the largest numbers being in the Edinburgh, Fife, and Glasgow council areas.

The fact that a building is listed does not mean that it can never be altered, extended or even demolished. Anyone wishing to undertake work to the interior and/or exterior of a listed building which would affect its character as a building of special architectural or historic interest must first obtain listed building consent, . Depending on the nature of the works proposed, planning permission and/or a building warrant may also be required.

Applications for listed building consent are made to the relevant local authority. The authority will consider an application in the light of HES advice and guidance, other national policy documents and their own policies.

On receipt of an application the local authority will register and advertise the application for 21 days. Once the 21-day period is over, the authority will consider any representations received and make a decision following its usual decision-making procedures.

A planning authority may ask HES for application-specific advice at any stage during the consent process and must consult HES of proposed developments affecting category A or B listed buildings, for all demolitions - regardless of category, and for applications made by a local authority. Once notified, HES can object to the proposed development, offer advice to the local authority, or issue a notice confirming it does not wish to comment. If a local authority is minded to grant permission for a proposal subject to a HES objection, it must notify Scottish Ministers, allowing them the opportunity to call-in the application for their own decision.

Following completion of these processes, the local authority will then decide to grant listed building consent unconditionally, subject to conditions, or refuse permission.

An applicant can appeal to Scottish Ministers against the imposition of conditions or a refusal of permission. Appeals are considered by a Reporter appointed by Scottish Ministers, who will normally make a decision on behalf of Scottish Ministers. However, Scottish Ministers can choose to determine an appeal instead of a Reporter, in which case the appeal will still be handled up to the decision stage by a Reporter who will compile a report for ministerial consideration. This will normally only happen if the case is of particular significance.

The only way to challenge an appeal decision is on a point of law at the Court of Session.

Certain listed buildings are exempt from the requirement to obtain listed building consent, these include:

- Buildings which are both listed and designated as a scheduled monument; in these case proposals require only scheduled monument consent.
- Any ecclesiastical building which is for the time being used for ecclesiastical purposes.

However, even in these cases, proposals for total demolition require listed building consent.

There is a voluntary consent arrangement currently in place for churches in ecclesiastical use by certain denominations. This arrangement deals with proposals for works to the fabric of buildings in ecclesiastical use which, were it not for the exemption, would require listed building consent.

Failure to obtain listed building consent prior to undertaking such work can result in enforcement action and ultimately prosecution.

# Conservation Areas

Conservation areas are defined as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. All planning authorities are required from time to time to determine which areas meet this definition and to designate them as conservation areas. Conservation area designation means the demolition of any unlisted building within the area is prohibited without the consent of the planning authority. This consent is known as conservation area consent. In determining an application for conservation area consent, the planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

In addition, the protection to trees normally offered by a Tree Preservation Order (TPO) extends to trees within a conservation area that are not already covered by a TPO. This means anyone wishing to cut down, lop, top or uproot a tree in a conservation area must give the local authority six weeks' notice of their intention to carry out such work. The authority may grant approval for the work within six weeks or seek to protect the tree by means of a TPO. An applicant can lodge an appeal with Scottish Ministers if conservation area consent is refused, or granted subject to conditions which the applicant disagrees with.

Typically, planning authorities apply additional restrictions on development within a conservation area through an Article 4 Direction. Such Directions are promoted by the planning authority and are subject to confirmation by Scottish Ministers before coming into effect. An Article 4 Direction requires a developer to apply for planning permission for specific types of development which would normally be regarded as 'permitted development', i.e. development that does not require a planning application. Article 4 Directions can cover a variety of minor works, such as the replacement of doors and windows.

# Advertisement Consent

The display of adverts, including outdoors digital advertising displays, is controlled under the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 ('the 1984 Regulations'), which establishes a consent regime separate from the regular planning process.

The 1984 Regulations divide advertisements into three classes:

**Excepted:** adverts which are not subject to any control, e.g. adverts within buildings, displayed on vehicles or balloons.

1. **Deemed consent:** adverts that are automatically deemed to have consent. This class includes functional adverts from public authorities, small scale adverts on business, educational, cultural and other premises, temporary adverts such as estate agent boards, and small illuminated adverts within buildings.
2. **Express consent:** Adverts that do not fall within the above classes, which require the explicit grant of consent from the planning authority before they can be displayed. Billboards and large on-street digital advertising displays normally fall into this category.

Unlike regular planning controls, neighbour notification and public consultation are not required for applications made under the 1984 Regulations.

If an application for express consent is refused by a planning authority, or granted subject to conditions the applicant disagrees with, the applicant has a right of appeal to the Scottish Ministers. As with the initial application, there is no formal public consultation or engagement in this appeal process.

A planning authority can issue an enforcement notice where it appears an advertisement is being displayed in breach of any condition or limitation attached to its consent, whether express or deemed. The notice is served upon the owner, lessee and occupier of the land on which the advertisement is sited and on any other person known to the authority to be displaying the advertisement. The notice sets out the steps to be taken, within a given period, to secure compliance with the condition or limitation. The notice takes effect 28 days from its issue, or seven days in certain limited circumstances.

There is little that a third party can do to challenge the award of permission for an advertisement. It may be possible to seek a judicial review of the decision, but this can be a lengthy, and costly exercise with no guarantee of success. More information is available in the [SPICe briefing on Judicial Review](#) <sup>11</sup> .

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