

2006 No. 266

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Listed Buildings and
Buildings in Conservation Areas) (Amendment) (Scotland)
Regulations 2006**

<i>Made</i> - - - -	<i>17th May 2006</i>
<i>Laid before the Scottish Parliament</i>	<i>19th May 2006</i>
<i>Coming into force</i> - -	<i>12th June 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 73B(8) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997^(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Amendment) (Scotland) Regulations 2006 and shall come into force on 12th June 2006.

Amendment of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987

2. In Regulation 5 of The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987^(b) after paragraph (1) insert—

“(5)(1)(A) Where an application under section 73B(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997^(c) (urgent works relating to Crown land) is made to the Scottish Ministers, regulation 5(1) applies, subject to the following modifications—

- (i) for references to “planning authority” substitute “the Scottish Ministers” and;

^(a) 1997 c.9. Section 73B was inserted by the Planning and Compulsory Purchase Act 2004 (c.5), section 93(1).
^(b) S.I. 1987/1529 as amended by S.S.I.2004/332.
^(c) Section 73B was inserted by the Planning and Compulsory Purchase Act 2004 (c.5), section 93(1).

- (ii) paragraph (1) shall not apply to any application for listed building consent to carry out works affecting only the interior of a building which, when last notified to the authority by the Scottish Ministers as a building of special architectural or historic interest, was classified as a Category B or Category C(S) listed building.”.

St Andrew's House,
Edinburgh
17th May 2006

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 93 of the Planning and Compulsory Purchase Act 2004 amended the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 by inserting a new section 73B. This section makes provision for urgent applications for works to buildings on Crown land which are listed or which are in conservation areas and provides for such applications to be made directly to the Scottish Ministers.

These Regulations amend the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 to prescribe publicity requirements for such applications (regulation 2), in accordance with section 73B(8) where the application is made to the Scottish Ministers.

The provision inserts new regulation 5(1)(A) to require the Scottish Ministers to publicise applications for urgent works in the same way as a planning authority under regulation 5, with the exception of applications for works affecting only the interior of Category B and C(S) listed buildings which are exempted from the requirements.

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