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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 270**

**The Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006**

**The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987**

7.—(1) The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987(1) apply to the Crown with the following modifications.

(2) After regulation 4 (applications to vary or discharge conditions) insert—

**“Applications – national security**

**4A.** The validity of an application shall not be affected by failure to disclose information as to—

(a) national security; and

(b) the measures taken or to be taken to ensure the security of any premises or property,

where the application is accompanied by a written statement from the applicant that, in the opinion of the applicant, the information relates to the matters mentioned in (a) or (b) above, and that public disclosure of that information would be contrary to the national interest.”

(3) In regulation 5 (advertisement of applications) after paragraph (2) insert—

“(3) Where an application under section 73B(2)(2)(urgent works relating to Crown development) of the Act is made to the Scottish Ministers, regulation 5(2) applies with the modification that for references to “planning authority” substitute “the Scottish Ministers”.”

(4) In regulation 6 (certificate to accompany applications and appeals) after paragraph (4) insert—

“(4A) The provisions of this regulation shall apply where an application for listed building consent is made to the Scottish Ministers under section 73B(2) of the Act, as they apply in relation to an application which falls to be determined by the planning authority with the following modifications—

(a) in paragraph (1) for “A planning authority shall not entertain any application under regulation 3 or 4” substitute “The Scottish Ministers shall not entertain any application under section 73B(2) of the Act”;

(b) in paragraph (3), for “planning authority” substitute “planning authority or the Scottish Ministers, as the case may be” in each place where the words occur.”

(5) For regulation 7 (application for listed building or conservation area consent in anticipation of disposal of Crown land) substitute—

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(1) S.I.1987/1529, as amended by S.S.I. 2004/332.

(2) Section 73B was inserted into the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (c. 9) by section 93(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).

**“Application for listed building or conservation area consent in respect of Crown land**

7. The following provisions of these Regulations shall, in their application to the making and determination of applications for listed building consent and conservation area consent in respect of Crown land, have effect subject to the following modifications–

- (a) in regulation 3(2), for “a certificate under regulation 6” substitute “the certificate or other document required by regulation 6 below”;
- (b) in regulation 6–
  - (i) in paragraph (1) after “accompanied either by” insert “the documents described in paragraph (1A) below or,” and
  - (ii) after paragraph (1) insert–

“(1A) An application for listed building or conservation area consent in respect of Crown land shall be accompanied by–

    - (a) a statement that the application is made in respect of Crown land; and
    - (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.””

(6) In Schedule 2 (certificates under regulation 6)–

- (a) in Part II–
  - (i) for “Council” substitute “planning authority or the Scottish Ministers as appropriate” in each place where the word occurs; and
  - (ii) in notes 2 and 5 after “planning authority” insert “or the Scottish Ministers as appropriate”.