

POLICY NOTE

THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (URGENT WORKS TO CROWN LAND) (SCOTLAND) REGULATIONS 2015

SSI 2015/240

The above instrument was made in exercise of the powers conferred by section 73B(8) and (10) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. This instrument is subject to negative procedure.

Policy Objectives

The purpose of these regulations is to set out revised procedures in relation to application for works which are (a) of national importance and (b) urgently needed to buildings on Crown land which are listed buildings or buildings in conservation areas. Separate Regulations are provided because the application for consent in such cases may be made to the Scottish Ministers and not to the local planning authority. It should be noted that no record of any such application has been identified in the period since the provision was introduced in 2004.

The effective date for these Regulations is 1 October 2015, the date on which HES takes over its full responsibilities under the 2014 Act.

Regulation 2 specifies that these Regulations apply only to applications made on or after 1 October 2015.

Regulation 3 requires Ministers to give notice of any such application they receive, sets out how that is to be done and what the minimum information content of such a notice must be, including how representations may be made.

Regulation 4 adds Historic Environment Scotland as a consultee for such applications, alongside the relevant local authority.

Consultation

The intention to insert HES as a consultation body in a wide range of planning-related processes was welcomed when it was addressed in discussions during the passage of the HES Act 2014. Although the draft regulations being laid at this time were subject to a formal public consultation between 19 December 2014 and 27 March 2015, these specific regulations are an addition, the need for which was identified in finalising other regulations. Given that they essentially maintain present arrangements while situating HES as consultee, it is not considered that separate formal consultation is necessary.

Impact Assessments

An Equalities Impact Assessment (EQIA) has been undertaken in combination with several other regulations being laid at this time. It is not considered that these particular regulations will have any impact in relation to equalities.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed for these regulations, in combination with several other regulations being laid at this time. It is not considered that these particular regulations will have any negative impact, especially given that they preserve an existing arrangement which is very rarely used.

Scottish Government
Culture, Europe and External Affairs Directorate
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