



Town and Country Amenities Act 1974

1974 CHAPTER 32

Conservation areas and areas of special control

2 Conservation areas in Scotland

- (1) For section 262 of the Town and Country Planning (Scotland) Act 1972 there shall be substituted the following sections:—

“262 Designation of conservation areas.

- (1) Every planning authority shall from time to time determine which parts of their district are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate such areas as conservation areas.
- (2) On and after 16th May 1975 it shall be the duty of a planning authority, within such period as the Secretary of State may from time to time direct, to review the past exercise of functions under this section and to determine whether any parts or any further parts of their district should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.
- (3) A direction under subsection (2) above may be given either to an individual authority or to authorities generally, but before giving a direction to an individual authority the Secretary of State shall consult the authority about the proposed direction.
- (4) The Secretary of State may from time to time, after consultation with a planning authority, determine that any part of the authority's district which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a conservation area.
- (5) Before making a determination under this section, a planning authority shall consult the planning authority of each district of which any part is included in the area to which the proposed determination relates.

- (6) A planning authority shall give notice to the Secretary of State of the designation of any part of their district as a conservation area under subsection (1) or (2) above, and of any variation or cancellation of any such designation, and the Secretary of State shall give notice to a planning authority of the designation of any part of their district as a conservation area under subsection (4) above, and of any variation or cancellation of any such designation ; and a notice under this subsection shall contain sufficient particulars to identify the area affected.
- (7) Notice of any such designation, variation or cancellation as is mentioned in subsection (6) above, with particulars of its effect, shall be published in the Edinburgh Gazette and in at least one newspaper circulating in the district of the planning authority, by that authority or, as the case may be, the Secretary of State.
- (8) Where any area is for the time being designated as a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, Part I of the Historic Buildings and Ancient Monuments Act 1953 or the Local Authorities (Historic Buildings) Act 1962.
- (9) Every planning authority shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing such particulars as the Secretary of State may determine of any area in their district which has been designated as a conservation area.

262A Control of demolition in conservation areas.

- (1) This section applies to all buildings in conservation areas other than—
 - (a) listed buildings, and
 - (b) excepted buildings within the meaning of section 56(2) of this Act, and
 - (c) buildings in relation to which a direction under subsection (4) below is for the time being in force.
- (2) A building to which this section applies shall not be demolished without the consent of the appropriate authority.
- (3) An application for consent to the demolition of such a building may be made as a separate application or as part of an application for planning permission to redevelop the site of the building, but consent to demolition shall not be taken to have been given as part of planning permission for redevelopment of the site unless the appropriate authority, on granting the planning permission, states that it includes consent to demolish the building.
- (4) The Secretary of State may direct that this section shall not apply to a description of buildings specified in the direction or to an individual building so specified.
- (5) A direction under subsection (4) above relating to a description of buildings may be given either to an individual planning authority or to planning authorities generally.

- (6) The Secretary of State may vary or revoke a direction under subsection (4) above by a further direction under that subsection.
- (7) The appropriate authority for the purposes of this section is—
 - (a) in relation to applications for consent made by planning authorities, the Secretary of State; and
 - (b) in relation to other applications, the planning authority or the Secretary of State.
- (8) The following provisions of this Act, namely—
 - section 53,
 - section 54(3), (5) and (6),
 - sections 92 to 95,
 - section 161,
 - section 179,
 - section 253(1)(b),
 - Parts I and II of Schedule 10,
 - Schedule 17,shall have effect in relation to buildings to which this section applies as they have effect in relation to listed buildings; but regulations may provide that they shall have effect in relation to buildings to which this section applies subject to such exceptions and modifications as may be prescribed.
- (9) Any such regulations may make different provision—
 - (a) in relation to applications made by planning authorities, and
 - (b) in relation to other applications.
- (10) Any proceedings on or arising out of an application for listed building consent made while this section applies to a building shall lapse when it ceases to apply to it, and any listed building consent granted with respect to the building shall also lapse; but the fact that this section has ceased to apply to a building shall not affect the liability of any person to be prosecuted and punished for an offence under section 53 or 94 of this Act committed by him with respect to the building while this section applied to it.

262B Formulation and publication of proposals for preservation and enhancement of conservation areas.

- (1) It shall be the duty of a planning authority to formulate and publish, within such period as may from time to time be directed by the Secretary of State, proposals for the preservation and enhancement of any parts of their district which are conservation areas.
- (2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate; and the planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.
- (3) A direction under subsection (1) above may be given either to an individual planning authority or to planning authorities generally.”

Status: This is the original version (as it was originally enacted).

- (2) A planning authority any part of whose district is a conservation area on the date when this section comes into force shall publish in at least one newspaper circulating in their district, within a reasonable period after that date, notice of the extended controls on the demolition of buildings imposed by section 262A of the Town and Country Planning (Scotland) Act 1972, and any such notice shall give sufficient particulars to identify the part of their district subject to those controls.