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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987.

These Regulations provide for the procedures to be followed in relation to applications for listed building consent, applications for conservation area consent and applications for variation and discharge of conditions made on or after 1st October 2015. This is the date on which Historic Environment Scotland is established under the Historic Environment Act 2014.

Regulation 4 sets out the information and particulars required to be submitted in relation to an application for listed building consent or conservation area consent in addition to that required by section 9(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (“the Act”). Regulation 5 makes equivalent provision for applications for the variation and discharge of conditions attached to an existing listed building consent or conservation area consent. Regulation 6 sets out a requirement that applications for listed building consent are to be accompanied by an access statement, which is a statement setting out how any issues relating to access to the building for disabled people have been dealt with.

Regulation 7 requires the planning authority to consult with Historic Environment Scotland before granting or refusing applications for listed building consent by a planning authority, applications for listed building consent in respect of works for the demolition of a listed building, works to a category A or B listed building and applications for conservation area consent.

Regulation 8 requires the planning authority to advertise applications by notices inserted in newspapers and site notices, and sets out the information which must be in such notices. Regulation 9 requires notification of an application to be given to the owner of a building and makes provision for the issuing of certificates.

Regulation 10 specifies that planning authorities shall not entertain applications which do not contain the appropriate certificate under Regulation 9. Regulation 11 provides that applications will not be invalid if they withhold information relating to national security or to measures taken to ensure the security of any premises or property, provided the applicant gives a written statement addressing these matters.

Regulation 12 specifies time limit within which the planning authority must issue a decision notice and inform other parties of its decision. This does not apply where an application has been called in by the Scottish Ministers for their determination. It also lays out the minimum content for decision notices, including information on how applicants may appeal to the Scottish Ministers.

Regulation 13 requires the planning authority, when an application has been referred to the Scottish Ministers following a direction under section 11 of the Act, to serve a notice on the applicant to that effect, and specifies the content of such a notice. Regulation 14 specifies the circumstances in which electronic communication may be used to send documentation.

Regulation 15 and Schedule 3 provide how certain provisions of the Act apply to buildings in conservation areas with modifications.

Regulation 16 sets out advertisement requirements for the planning authority where unopposed revocation or modification orders relating to consents are made under section 21 of the Act. Regulation 17 sets out how various claims for compensation under the Act are to be made and that these must be made within 6 months of dates which are specified for each circumstance.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 18 sets out that a listed building purchase order must be served in writing on a planning authority, prescribing a time limit of one year for such action following the date of the relevant decision of that authority.

Regulation 19 revokes the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987, with the saving provision that those Regulations will continue to apply in relation to applications made before 1st October 2015, and orders made under section 21 before that date.