



# Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

## 1997 CHAPTER 9

### PART II

#### CONSERVATION AREAS

##### *General duties of planning authorities*

#### **63 Proposals for preservation and enhancement of conservation areas.**

- (1) It shall be the duty of a planning authority to formulate and publish, from time to time, 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.
- (3) The planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.

#### **64 General duty as respects conservation areas in exercise of planning functions.**

- (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- (2) Those provisions are—
  - (a) the planning Acts, and
  - (b) Part I of the <sup>M1</sup>Historic Buildings and Ancient Monuments Act 1953.

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**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Cross Heading: General duties of planning authorities is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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#### Marginal Citations

M1 1953 c. 49.

### 65 Publicity for applications affecting conservation areas.

- (1) This section applies where an application for planning permission for any development of land is made to a planning authority and the development would, in the opinion of the authority, affect the character or appearance of a conservation area.
- (2) The planning authority shall—
  - (a) publish in a local newspaper circulating in the locality in which the land is situated, and
  - (b) for not less than 7 days display on or near the land, a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice under paragraph (a).
- (3) The application shall not be determined by the planning authority before both the following periods have elapsed, namely—
  - (a) the period of 21 days referred to in subsection (2), and
  - (b) the period of 21 days beginning with the date on which the notice required by that subsection to be displayed was first displayed.
- (4) In determining any application for planning permission to which this section applies, the planning authority shall take into account any representations relating to the application which are received by them before the periods mentioned in subsection (3) have elapsed.
- (5) In this section references to planning permission do not include references to planning permission falling within section 33(1) of the principal Act.

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#### Modifications etc. (not altering text)

C1 S. 65: power to apply conferred (27.5.1997) by 1997 c.8, ss. 182, 278(2) (with ss. 64, 219)

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Cross Heading: General duties of planning authorities is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1)(aa)-(ad) inserted by [2006 asp 17 s. 55\(5\)](#)