



# Town and Country Planning (Scotland) Act 1969

## 1969 CHAPTER 30

### PART V

#### BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST

##### *Restrictions on demolition and other works*

#### **40 New provisions restricting demolition etc. of listed buildings**

- (1) In this Part of this Act the expression "listed building " means a building which is for the time being included in a list compiled or approved by the Secretary of State under section 28 of the Act of 1947 (buildings of special architectural or historic interest).
- (2) Subject to this Part of this Act, if a person executes or causes to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, and the works are not authorised under this Part of this Act, he shall be guilty of an offence.
- (3) For the purposes of this Part of this Act, any object or structure fixed to a building or forming part of the land and comprised within the curtilage of a building shall be treated as part of the building.
- (4) Works for the demolition of a listed building, or for its alteration or extension, are authorised under this Part of this Act only if—
  - (a) the local planning authority or the Secretary of State have granted written consent (hereafter in this Act referred to as " listed building consent") for the execution of the works and the works are executed in accordance with the terms of the consent and of any conditions attached to the consent under section 41 below; and
  - (b) in the case of demolition, notice of the proposal to execute the works has been given to the Royal Commission and thereafter either—

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- (i) for a period of at least three months following the grant of listed building consent and before the commencement of the works, reasonable access to the building has been made available to members or officers of the Commission for the purpose of recording it; or
  - (ii) the Commission have, by their Secretary or other officer of theirs with authority to act on the Commission's behalf for the purposes of this section, stated in writing that they have completed their recording of the building or that they do not wish to record it.
- (5) In subsection (4) above " the Royal Commission " means the Royal Commission on the Ancient and Historical Monuments of Scotland; but the Secretary of State may, by order made by statutory instrument, provide that the said subsection shall, in the case of works executed or to be executed on or after such date as may be specified in the order, have effect with the substitution for the reference to the Royal Commission of a reference to such other body as may be so specified.
- (6) Without prejudice to subsection (2) above, if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with- any condition attached to the consent under section 41 below, he shall be guilty of an offence.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction to imprisonment for a term of not more than three months or a fine of not more than £250, or both ; or
  - (b) on conviction on indictment to imprisonment for a term not exceeding twelve months or a fine, or both;
- and in determining the amount of any fine to be imposed on a person convicted on indictment the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.
- (8) In proceedings for an offence under this section it shall be a defence to prove that the works were urgently necessary in the interests of safety or health, or for the preservation of the building, and that notice in writing of the need for the works was given to the local planning authority as soon as reasonably practicable.
- (9) Section 27 of the Act of 1947 (building preservation orders) and subsections (5) to (8) of section 28 of that Act (recording of list and effect of inclusion of building in a list under that section of the Act) shall cease to have effect.
- (10) Every building which, before the commencement of this Part of this Act, was subject to a building preservation order under section 27 of the Act of 1947, but was not then included in a list compiled or approved under section 28 of that Act, shall be deemed to be a listed building; but the Secretary of State may at any time direct, in the case of any building, that this subsection shall no longer apply to it and the local planning authority in whose district the building is situated, on being notified of the Secretary of State's direction, shall give notice of it to the owner, lessee and occupier of the building.
- (11) Before giving a direction under subsection (10) above in relation to a building, the Secretary of State shall consult with the local planning authority and with the owner, lessee and occupier of the building.

#### **41 Provisions supplementary to s. 40**

- (1) Section 40 above shall not apply to works for the demolition, alteration or extension of—
- (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes or would be so used but for the works; or
  - (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments; or
  - (c) a building for the time being included in a list of monuments published by the Secretary of State under any such enactment.

For the purposes of this subsection, a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.

- (2) Where, on an application in that behalf, planning permission is granted after the commencement of this Part of this Act and—
- (a) the development for which the permission is granted includes the carrying out of any works for the alteration or extension of a listed building; and
  - (b) the planning permission or any condition subject to which it is granted is so framed as expressly to authorise the execution of the works (describing them),
- the planning permission shall operate as listed building consent in respect of those works; but, except as provided by this subsection, the grant of planning permission for any development shall not make it unnecessary for such consent to be obtained in respect of any works to which section 40 above applies.
- (3) In considering whether to grant planning permission for development which consists in or includes works for the alteration or extension of a listed building, and in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.
- (4) Without prejudice to section 12(1) of the Act of 1947 (grant of planning permission unconditionally or subject to conditions), the conditions which may under that subsection be attached to a grant of planning permission shall, in the case of such development as is referred to in subsection (2) above, include conditions with respect to—
- (a) the preservation of particular features of the building, either as part of it or after severance therefrom;
  - (b) the making good, after the works are completed, of any damage caused to the building by the works;
  - (c) the reconstruction of the building or any part of it following the execution of any works, with the use of original materials so far as practicable and with such alterations of the interior of the building as may be specified in the conditions.
- (5) Listed building consent may be granted either unconditionally or subject to conditions, which may include such conditions as are mentioned in subsection (4) above.
- (6) Part I of Schedule 4 to this Act shall have effect with respect to applications to local planning authorities for listed building consent, the reference of such applications to the Secretary of State and appeals against decisions on such applications; and Part II of that Schedule shall have effect with respect to the revocation of listed building

consent by a local planning authority or the Secretary of State and to the compensation payable in the case of revocation.

*Owner's and lessee's rights on refusal of consent to works*

**42 Purchase notice on refusal or conditional grant of listed building consent**

(1) Where, on an application for listed building consent in respect of a building, consent is refused or is granted subject to conditions or, by an order under Part II of Schedule 4 to this Act, listed building consent is revoked or modified, then if any owner or lessee of the land claims—

- (a) that the land has become incapable of reasonably beneficial use in its existing state; and
- (b) in a case where consent was granted subject to conditions with respect to the execution of the works, or, as the case may be, was modified by the imposition of such conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the works in accordance with those conditions; and
- (c) in any case that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other works for which listed building consent has been granted or for which the local planning authority or the Secretary of State have undertaken to grant such consent,

he may, within the prescribed time and manner, serve on the local planning authority in whose district the land is situated a notice requiring that authority to purchase his interest in the land in accordance with Part III of Schedule 4 to this Act.

- (2) A notice under this section is in this Act referred to as a " listed building purchase notice ".
- (3) In this section and in Part III of Schedule 4 to this Act, " the land" means the building in respect of which listed building consent has been refused, or granted subject to conditions, or modified by the imposition of conditions, and in respect of which its owner or lessee serves a notice under this section, together with any land comprising the building, or contiguous or adjacent to it, and owned or occupied with it, being land as to which the owner or lessee claims that its use is substantially inseparable from that of the building and that it ought to be treated, together with the building, as a single holding.
- (4) Where, for the purpose of determining whether the conditions specified in paragraphs (a) to (c) of subsection (1) above are satisfied in relation to the land, any question arises as to what is or would in any particular circumstances be a reasonably beneficial use of that land, then, in determining that question for that purpose, no account shall be taken of any prospective use of that land which would involve the carrying out of new development or of any works requiring listed building consent which might be executed to the building, other than works for which the local planning authority or the Secretary of State have undertaken to grant such consent.

**43 Compensation for refusal of consent to alterations etc.**

(1) The provisions of this section shall have effect where an application is made for listed building consent for the alteration or extension of a listed building and—

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- (a) either the works do not constitute development or they do so but the development is such that planning permission therefor is granted by a development order; and
  - (b) the Secretary of State, either on appeal or on the reference of the application to him, refuses such consent or grants it subject to conditions.
- (2) If, on a claim made to the local planning authority within the prescribed time and manner, it is shown that the value of the interest of any person in the land is less than it would have been if listed building consent had been granted, or had been granted unconditionally, as the case may be, the local planning authority shall pay to that person compensation of an amount equal to the difference.
- (3) In determining, for the purposes of subsection (2) above, whether or to what extent the value of an interest in land is less than it would have been if the permission had been granted, or had been granted unconditionally—
- (a) it shall be assumed that any subsequent application for the like consent would be determined in the same way; but
  - (b) if, in the case of a refusal of listed building consent, the Secretary of State, on refusing that consent, undertook to grant such consent for some other works to the building in the event of an application being made in that behalf, regard shall be had to that undertaking.
- (4) No compensation shall be payable under this section in respect of an interest in land in respect of which a purchase notice is served, whether under section 17, or under that section as applied by section 20(4), of the Act of 1947 or under section 42 above, being a purchase notice which takes effect.

### *Enforcement*

#### **44 Notice to enforce s. 40 control**

- (1) Where it appears to the local planning authority that any works have been, or are being, executed to a listed building in their area and are such as to involve a contravention of section 40(2) or (6) of this Act, then, subject to any directions given by the Secretary of State, they may, if they consider it expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest, serve a notice—
- (a) specifying the alleged contravention; and
  - (b) requiring such steps as may be specified in the notice for restoring that building to its former state, or, as the case may be, for bringing it to the state it would have been in if the terms and conditions of any listed building consent for the works had been complied with, to be taken within such period as may be so specified.
- (2) A notice under this section is hereafter in this Act referred to as a " listed building enforcement notice " .
- (3) Every local planning authority shall keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing particulars of any building in their district in respect of which a listed building enforcement notice has been served.

- (4) Part IV of Schedule 4 to this Act shall have effect with respect to listed building enforcement notices and appeals against such notices.

#### **45 Penalties for non-compliance with notice under s. 44**

- (1) Where a listed building enforcement notice has been served in respect of any building and any steps required by the notice to be taken have not been taken within the period allowed for compliance with the notice, the person responsible for the contravention mentioned in section 44(1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400, or on conviction on indictment to a fine.
- (2) If, after a person has been convicted under the foregoing provisions of this section, he does not as soon as practicable do everything in his power to secure compliance with the notice, he shall be guilty of a further offence and be liable—
- (a) on summary conviction to a fine of not more than £50 for each day following his first conviction on which any of the requirements of the notice remain unfulfilled; or
- (b) on conviction on indictment to a fine.
- (3) Any reference in this section or section 46 below to the period allowed for compliance with a listed building enforcement notice is a reference to the period specified in the notice as that within which the steps specified in the notice are required thereby to be taken, or such extended period as the local planning authority may allow for taking them.

#### **46 Execution and cost of works required under enforcement procedure**

- (1) If, within the period allowed for compliance with a listed building enforcement notice, any steps required by the notice to be taken have not been taken, the authority may enter on the land and take those steps and may recover from the person who is then the owner or lessee of the land any expenses reasonably incurred by them in doing so.
- (2) Any expenses incurred by the owner, lessee or occupier of a building for the purpose of complying with a listed building enforcement notice and any sums paid by the owner or lessee of a building under subsection (1) of this section in respect of expenses incurred by the local planning authority in taking steps required by such a notice to be taken, shall be deemed to be incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.
- (3) Section 22(5) of the Act of 1947 (application by regulations of certain provisions of the Water (Scotland) Act 1946 in relation to enforcement) shall apply in relation to a listed building enforcement notice as they apply in relation to an enforcement notice; and any regulations made by virtue of this subsection may provide for the charging on the land on which the building stands of any expenses recoverable by a local planning authority under subsection (1) of this section.

#### **47 Enforcement by, or by direction of, the Secretary of State**

- (1) If it appears to the Secretary of State, after consultation with the local planning authority, to be expedient that a listed building enforcement notice should be served in respect of any land, he may give directions to the local planning authority requiring them to serve such a notice, or may himself serve such a notice; and any notice so

served by the Secretary of State shall have the like effect as a notice served by the local planning authority.

- (2) In relation to a listed building enforcement notice served by the Secretary of State, the provisions of sections 45(3) and 46 of this Act shall apply as if for any reference therein to the local planning authority there were substituted a reference to the Secretary of State.

*Other measures open to local planning authority and the Secretary of State*

#### **48 Building preservation notice in respect of building not listed**

- (1) If it appears to the local planning authority, in the case of a building in their district which is not a listed building, that it is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as such, they may (subject to subsection (2) below) serve on the owner, lessee and occupier of the building a notice (referred to in this section as a " building preservation notice ")—
  - (a) stating that the building appears to them to be of special architectural or historic interest and that they have requested the Secretary of State to consider including it in a list compiled or approved under section 28 of the Act of 1947 ; and
  - (b) explaining the effect of subsections (3) and (4) of this section.
- (2) A building preservation notice shall not be served in respect of—
  - (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes; or
  - (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments; or
  - (c) a building for the time being included in a list of monuments published by the Secretary of State under any such enactment.

For the purposes of this subsection, a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.

- (3) A building preservation notice shall come into force as soon as it has been served on the owner, lessee and occupier of the building to which it relates and shall remain in force for six months from the date when it is served or, as the case may be, last served; but it shall cease to be in force if, before the expiration of that period, the Secretary of State either includes the building in a list compiled or approved under section 28 of the Act of 1947 or notifies the local planning authority in writing that he does not intend to do so.
- (4) While a building preservation notice is in force with respect to a building, the provisions of this Part of this Act shall have effect in relation to it as if the building were a listed building; and if the notice ceases to be in force (otherwise than by reason of the building being included in a list compiled or approved under the said section 28), the provisions of Part V of Schedule 4 to this Act shall have effect with respect to things done or occurring under the notice or with reference to the building being treated as listed.

- (5) If, following the service of a building preservation notice, the Secretary of State notifies the local planning authority that he does not propose to include the building in a list compiled or approved under section 28 of the Act of 1947, the authority—
- (a) shall forthwith give notice of the Secretary of State's decision to the owner, lessee and occupier of the building; and
  - (b) shall not, within the period of twelve months beginning with the date of the Secretary of State's notification, serve another such notice in respect of the said building.

**49 Compensation for loss or damage caused by service of building preservation notice**

- (1) The following provisions of this section shall have effect as respects compensation where a building preservation notice is served.
- (2) The local planning authority shall not be under any obligation to pay compensation under section 43 of this Act in respect of any refusal of listed building consent or its grant subject to conditions, unless and until the building is included in a list compiled or approved by the Secretary of State under section 28 of the Act of 1947; but this subsection shall not prevent a claim for such compensation being made before the building is so included.
- (3) If the building preservation notice ceases to have effect without the building having been included in a list so compiled or approved, then, subject to a claim in that behalf being made to the local planning authority within the prescribed time and in the prescribed manner, any person who at the time when the notice was served had an interest in the building shall be entitled to be paid compensation by the authority in respect of any loss or damage directly attributable to the effect of the notice.
- (4) The loss or damage in respect of which compensation is payable under subsection (3) above shall include a sum payable in respect of a breach of contract caused by the necessity of discontinuing or countermanding any works to the building on account of the building preservation notice being in force with respect thereto.

**50 Compulsory acquisition of listed building in need of repair**

- (1) Where it appears to the Secretary of State, in the case of a building to which this section applies, that reasonable steps are not being taken for properly preserving it, the Secretary of State may authorise the local planning authority for the district in which the building is situated to acquire compulsorily under this section the building and any land comprising or contiguous or adjacent to it which appears to the Secretary of State to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.
- (2) Where it appears to the Secretary of State, in the case of a building to which this section applies, that reasonable steps are not being taken for properly preserving it, he may be authorised under this section to acquire compulsorily the building and any land comprising or contiguous or adjacent to it which appears to him to be required for the purpose mentioned in subsection (1) of this section.
- (3) This section applies to any listed building, not being—
  - (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes; or



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- (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments; or
- (c) a building for the time being included in a list of monuments published by the Secretary of State under any such enactment.

For the purposes of this subsection, a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.

- (4) The Secretary of State shall not make or confirm a compulsory purchase order for the acquisition of any building by virtue of this section unless he is satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose.
- (5) The Acquisition Act 1947 shall apply to the compulsory acquisition of land under this section and accordingly shall have effect—
  - (a) as if this section had been in force immediately before the commencement of that Act; and
  - (b) as if references therein to the Minister of Transport and to the enactments specified in section 1(1)(b) of that Act included respectively references to the Secretary of State and to the provisions of this section.
- (6) Any person having an interest in a building which it is proposed to acquire compulsorily under this section may, within twenty-eight days after the service of the notice required to be served under paragraph 3 of Schedule 1 to the Acquisition Act 1947, apply to the sheriff for an order prohibiting further proceedings on the compulsory purchase order; and, if the sheriff is satisfied that reasonable steps have been taken for properly preserving the building, he shall make an order accordingly.
- (7) A person aggrieved by a decision of the sheriff on an application under subsection (6) above may appeal against the decision to the Court of Session, but on a question of law only.

## **51 Repairs notice as preliminary to compulsory acquisition**

- (1) Neither a local planning authority nor the Secretary of State shall start the compulsory purchase of a building under section 50 above unless at least two months previously they have served on the owner of the building, and not withdrawn, a notice under this section (referred to in this section as a "repairs notice")—
  - (a) specifying the works which they consider reasonably necessary for the proper preservation of the building; and
  - (b) explaining the effect of sections 50 to 53 of this Act.
- (2) Where a local planning authority or the Secretary of State have served a repairs notice, the demolition of the building thereafter shall not prevent them from being authorised under section 50 above to acquire compulsorily the site of the building, if the Secretary of State is satisfied that he would have confirmed or, as the case may be, would have made a compulsory purchase order in respect of the building had it not been demolished.
- (3) An authority or the Secretary of State may at any time withdraw a repairs notice served by them; and if they do so, they shall forthwith give notice of the withdrawal to the person who was served with the notice.

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- (4) A person on whom there has been served a repairs notice shall not in any case be entitled to serve a purchase notice under section 17 of the Act of 1947 or section 42 of this Act until the expiration of three months beginning with the date of the service of the repairs notice; and if during the said period of three months the local planning authority or the Secretary of State start the compulsory acquisition of the building in the exercise of their powers under section 50 above, the person shall not be so entitled unless and until the compulsory acquisition is discontinued.
- (5) For the purposes of this section a compulsory acquisition—
- (a) is started when the local planning authority or the Secretary of State, as the case may be, serve the notice required by paragraph 3(b) of Schedule 1 to the Acquisition Act 1947 ; and
  - (b) is discontinued, in the case of acquisition by a local planning authority, when they withdraw the compulsory purchase order or the Secretary of State decides not to confirm it and, in the case of acquisition by the Secretary of State, when he decides not to make the compulsory purchase order.

## **52 Compensation on compulsory acquisition**

Subject to section 53 below, for the purpose of assessing compensation in respect of any compulsory acquisition of land including a building which, immediately before the date of the compulsory purchase order, was listed, it shall be assumed that listed building consent would be granted for any works for the alteration or extension of the building, or for its demolition, other than works in respect of which such consent has been applied for before the date of the order and refused by the Secretary of State, or granted by him subject to conditions, the circumstances having been such that compensation thereupon became payable under section 43 of this Act.

## **53 Minimum compensation in case of building deliberately left derelict**

- (1) A local planning authority proposing to acquire a building compulsorily under section 50 above, if they are satisfied that the building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or re-development of the site or any adjoining site, may include in the compulsory purchase order as submitted to the Secretary of State for confirmation an application for a direction for minimum compensation; and the Secretary of State, if he is so satisfied, may include such a direction in the order as confirmed by him.
- (2) Subject to the provisions of this section, where the Secretary of State acquires a building compulsorily under section 50 of this Act, he may, if he is satisfied as mentioned in subsection (1) above, include a direction for minimum compensation in the compulsory purchase order.
- (3) The notice required to be served in accordance with paragraph 3(b) of Schedule 1 to the Acquisition Act 1947 (notices stating effect of compulsory purchase order, or, as the case may be, draft order) shall, without prejudice to so much of that paragraph as requires the notice to state the effect of the order, include a statement that the authority have made application for a direction for minimum compensation or, as the case may be, that the Secretary of State has included such a direction in the draft order prepared by him in accordance with paragraph 7 of that Schedule and shall in either case explain the meaning of the expression " direction for minimum compensation " .

- (4) A direction for minimum compensation, in relation to a building compulsorily acquired, is a direction that for the purpose of assessing compensation it is to be assumed, notwithstanding anything to the contrary in the Land Compensation (Scotland) Act 1963 or this Act, that planning permission would not be granted for any development or re-development of the site of the building and that listed building consent would not be granted for any works for the demolition, alteration or extension of the building other than development or works necessary for restoring it to, and maintaining it in, a proper state of repair ; and if a compulsory purchase order is confirmed or made with the inclusion of such a direction, the compensation in respect of the compulsory acquisition shall be assessed in accordance with the direction.
- (5) Where a local planning authority include in a compulsory purchase order made by them an application for a direction for minimum compensation, or the Secretary of State includes such a direction in a draft compulsory purchase order prepared by him, any person having an interest in the building may, within twenty-eight days after the service of the notice required by paragraph 3(b) of Schedule 1 to the Acquisition Act 1947, apply to the sheriff for an order that the local planning authority's application for a direction for minimum compensation be refused or, as the case may be, that such a direction be not included in the compulsory purchase order as made by the Secretary of State ; and if the sheriff is satisfied that the building has not been deliberately allowed to fall into disrepair for the purpose mentioned in subsection (1) of this section, he shall make the order applied for.
- (6) A person aggrieved by a decision of the sheriff on an application under subsection (5) above may appeal against the decision to the Court of Session, but on a question of law only.
- (7) The rights conferred by subsections (5) and (6) of this section shall not prejudice those conferred by section 50(6) and (7) of this Act.

#### *Miscellaneous*

#### **54 Matters which may be taken into account by Secretary of State in listing buildings under s. 28 of Act of 1947**

In considering whether to include a building in a list compiled or approved under section 28 of the Act of 1947, the Secretary of State may take into account not only the building itself but also—

- (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
- (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.

#### **55 Application of control to local planning authorities**

- (1) In relation to buildings of local planning authorities which are listed, and to the execution of works for their demolition, alteration or extension, this Part of this Act shall have effect subject to such exceptions and modifications as may be prescribed.
- (2) Regulations made under this section may in particular provide for securing—

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- (a) that any application by a local planning authority for listed building consent shall be made to the Secretary of State; and
- (b) that any notice authorised to be served under this Part of this Act in relation to a listed building belonging to a local planning authority shall be served by the Secretary of State.

## **56 Directions by Secretary of State to local planning authorities with respect to development affecting Conservation Areas**

- (1) The Secretary of State may give directions to local planning authorities with respect to the matters which they are to take into consideration in determining an application—
  - (a) for planning permission for any such development as is referred to in section 1(6) of the Civic Amenities Act 1967 (special provisions as to publicity for applications affecting Conservation Areas); or
  - (b) for listed building consent for any works for the demolition, alteration or extension of a building in a Conservation Area,
 and with respect to the consultations which such authorities are to undertake before determining any such application.
- (2) Different directions may under this section be given to different local planning authorities ; and any such directions may require an authority—
  - (a) before determining an application, to consult such persons or bodies of persons as the Secretary of State may specify, being persons or bodies appearing to him to be competent to give advice in relation to the development or description of development to which the directions have reference;
  - (b) to supply to any person or body, whom they are required by the directions to consult, specified documents or information enabling that person or body to form an opinion on which to base their advice;
  - (c) to establish committees, consisting either of members of the authority or of other persons, or of both, to advise the authority in relation to the determination of such applications as are referred to in subsection (1) above.

## **57 Additional requirement of notice for development affecting Conservation Areas**

- (1) Where an application for planning permission for any development of land is made to a local planning authority and the case is one where the authority are required to comply with section 1(6) of the Civic Amenities Act 1967 (special publicity for planning applications affecting Conservation Areas) the authority shall also comply with the following subsection.
- (2) The authority shall, for not less than seven days, display a notice on or near the land to which the application relates, containing the same particulars as are required by section 1(6)(a) of the Civic Amenities Act 1967 to be contained in the notice to be published by the authority in a local newspaper.
- (3) An application for planning permission to which section 1(6) of the said Act of 1967 applies shall not be determined by the local planning authority before both of the following periods have elapsed, namely:—
  - (a) the period of twenty-one days referred to in paragraph (a) of that subsection; and
  - (b) the period of twenty-one days beginning with the date on which the notice required by subsection (2) of this section was first displayed;

and in determining the application the authority shall take into account any representations relating to the application which are received by them before both those periods have elapsed.

(4) In the said section 1(6), paragraphs (b) and (c) shall cease to have effect.

**58 Removal of need for Secretary of State's consent to certain local authority grants**

The power of a local authority under section 1(1)(b) of the Local Authorities (Historic Buildings) Act 1962 to contribute towards expenses incurred or to be incurred in the repair or maintenance of a building in their area appearing to them to be of architectural or historic interest shall be exercisable without the consent of the Secretary of State.

**59 Compulsory purchase affecting ancient monuments, etc.**

In paragraph 12 of Schedule 1 to the Acquisition Act 1947 (application of special parliamentary procedure to compulsory purchase order affecting ancient monument etc. subject to certificate by Secretary of State that undertakings have been given as to its preservation), the reference to land being, or being the site of, an ancient monument or other object of archaeological interest shall be construed as not including a reference to a listed building or any land or object comprised within the curtilage of such a building unless the building or object is specified in the Schedule to the Ancient Monuments Protection Act 1882 or is for the time being specified in a list published under section 12 of the Ancient Monuments Consolidation and Amendment Act 1913

**60 Crown land**

- (1) A building may be included in a list compiled or approved by the Secretary of State under section 28 of the Act of 1947 notwithstanding that it is Crown land.
- (2) Notwithstanding any interest of the Crown in Crown land, but subject to the provisions of section 83 of the Act of 1947 (exercise of powers under that Act in relation to Crown land) any restrictions or powers imposed or conferred by this Part of this Act shall apply and be exercisable in relation to Crown land to the extent of any interest therein for the time being held otherwise than by or on behalf of the Crown.
- (3) In this section the expression " Crown land" has the same meaning as in the said section 83.