



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

## 1997 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER VI

##### MISCELLANEOUS AND SUPPLEMENTAL

##### *Special considerations affecting planning functions*

#### **59 General duty as respects listed buildings in exercise of planning functions**

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) Without prejudice to section 64, in the exercise of the powers of disposal and development conferred by the provisions of sections 191 and 193 of the principal Act, a planning authority shall have regard to the desirability of preserving features of special architectural or historic interest and, in particular, listed buildings.
- (3) In this section, “preserving”, in relation to a building, means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, and “development” includes redevelopment.

**60 Publicity for applications affecting setting of listed buildings**

- (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 setting of a listed building.
- (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.