

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 10 – Miscellaneous and General Provisions

Section 55 – Further amendment of the listed buildings Act

237. **Subsection (2)** amends section 13 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (“the listed buildings Act”) to specify that the Scottish Ministers may give directions to a single planning authority or to a described class of authorities as to any requirement to notify applications for listed building consent .
238. **Subsection (3)** amends section 69(1) of the listed buildings Act by removing the specific reference to conservation areas of “outstanding architectural or historic interest”. This broadens the Scottish Ministers’ discretion to make grants or loans applicable to any conservation area.
239. **Subsection (4)** inserts a definition into section 81 of the listed buildings Act (interpretation) to extend the meaning of “demolition” to include “partial demolition”.
240. This amendment is in response to the House of Lords case of *Shimizu (UK) v Westminster City Council (1997 1A11 ER 481)* where the court decided that “demolition” meant demolition of a building or structure *as a whole*. This meant partial demolition of a building could no longer be regarded as “demolition” but as an “alteration”, and therefore consent under section 66(1) of the listed buildings Act was no longer required for partial demolition of buildings and structures (including gates, walls or fences) in conservation area. By amending the scope of the definition of demolition, the effect of the provision will be that listed building and conservation area controls, where applicable, will encompass both partial and total demolition works.
241. **Subsection (5)** amends section 82(1) of the listed buildings Act to enable the Scottish Ministers to make regulations on the provision of information or evidence, for the purposes of that Act.