



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

## 1997 CHAPTER 9

### PART I

#### LISTED BUILDINGS

### CHAPTER II

#### AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

##### *Grant of consent subject to conditions*

#### **15 Power to impose conditions on grant of listed building consent.**

- (1) Without prejudice to the generality of section 14(1), the conditions subject to which listed building consent may be granted may include conditions with respect to—
  - (a) the preservation of particular features of the building, either as part of it or after severance from it;
  - (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.
- (2) Listed building consent may also be granted subject to a condition reserving specified details of the works (whether or not set out in the application) for subsequent approval by the planning authority or, in the case of consent granted by the Secretary of State, specifying whether the reserved details are to be approved by the planning authority or by him.

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**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Cross Heading: Grant of consent subject to conditions is up to date with all changes known to be in force on or before 16 September 2023. 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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- (3) In granting a listed building consent a planning authority may attach to the consent a condition that no demolition of the listed building shall take place until either or both of the following requirements have been met—
- (a) [<sup>F1</sup>a planning obligation under section 75 of the principal Act] for the regulation of the development of the site of the listed building in accordance with a current planning permission has been [<sup>F2</sup>entered into and the relevant instrument by which that obligation is entered into has been recorded in the Register of Sasines or, as the case may be, registered in the Land Register of Scotland under that section] ;
  - (b) the planning authority are satisfied that contracts have been placed either—
    - (i) for the redevelopment of the site, or
    - (ii) for its conversion to an acceptable open space,
 in accordance with a current planning permission.

#### Textual Amendments

- F1** Words in s. 15(3)(a) substituted (3.8.2009) by [The Planning etc. \(Scotland\) Act 2006 \(Consequential Amendments\) Order 2009 \(S.S.I. 2009/256\)](#), arts. 1(3), **3(2)(a)**
- F2** Words in s. 15(3)(a) substituted (3.8.2009) by [The Planning etc. \(Scotland\) Act 2006 \(Consequential Amendments\) Order 2009 \(S.S.I. 2009/256\)](#), arts. 1(3), **3(2)(b)**

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

- C1** Ss. 6-25 applied (with modifications) (1.10.2015) by [The Planning \(Listed Building Consent and Conservation Area Consent Procedure\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/243\)](#), regs. 1, 15, **sch. 3** (with reg. 2)

## 16 Limit of duration of listed building consent.

[<sup>F3</sup>(1) A listed building consent lapses—

- (a) on the expiration of such period (beginning with the date on which the consent is granted) as the planning authority may, for the purposes of this section, specify in the consent, or
- (b) if no period is so specified, on the expiration of a period of 3 years (beginning with that date),

unless the works permitted by the consent are begun before that expiration.

(1A) Subsection (1) does not apply to a listed building consent granted before the date on which section 20 of the Planning etc. (Scotland) Act 2006 came into force.

(2) For the purposes of sections 18(1)(a) and 19(1) and (2)(a)—

- (a) any such specification as is mentioned in subsection (1)(a), or
- (b) the effect of subsection (1) as that subsection applies in consequence of the authority electing not to make such a specification,

is to be treated as a condition subject to which the application is granted.]

(3) Nothing in this section applies to any consent to the retention of works granted under section 7(3).

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- (4) The date of the granting or of the refusal of an application for listed building consent shall be the date on which the notice of the planning authority's decision bears to have been signed on behalf of the authority.

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#### Textual Amendments

- F3** S. 16(1)(1A)(2) substituted for s. 16(1)(2) (12.12.2008 for specified purposes, 1.12.2011 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 20(3)**, 59(2); S.S.I. 2008/411, [art. 2\(2\)\(3\)\(a\)](#); S.S.I. 2011/382, [art. 2\(1\)\(2\)\(a\)](#)

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- C2** S. 16 savings for effects of 2006 asp 17, s. 20(3) (1.12.2011) by [The Planning etc. \(Scotland\) Act 2006 \(Listed Buildings\) \(Saving Provisions\) Order 2011 \(S.S.I. 2011/381\)](#), [arts. 1\(1\)](#), **2**

## 17 Application for variation or discharge of conditions.

- (1) Any person interested in a listed building with respect to which listed building consent has been granted subject to conditions may apply to the planning authority for the variation or discharge of the conditions.
- (2) The application shall indicate what variation or discharge of conditions is applied for and the provisions of sections 9 to 13, 14(3) and 18 to 20 apply to such an application as they apply to an application for listed building consent.
- (3) On such an application the planning authority or, as the case may be, the Secretary of State may vary or discharge the conditions attached to the consent, and may add new conditions consequential upon the variation or discharge, as they or he think fit.

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

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**Changes to legislation:**

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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\(5\)](#)