Dear Alison

Post-legislative scrutiny of the Planning etc. (Scotland) Act 2006

Thank you for your letter of 12 January, addressed to Jean Waddie, about the above and the issue of planning controls in relation to the demolition of pubs.

It may be helpful if I set out some of the legislative background in this regard. The ability to demolish pubs without the need to apply for planning permission relates to secondary legislation, rather than primary legislation in the Planning etc. (Scotland) Act 2006 or the Town and Country Planning (Scotland) Act 1997. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (the 1992 Order), made under powers consolidated in the 1997 Act, grants a general planning permission, known as permitted development (PD) rights, for the demolition of buildings.

As stated in your letter, despite these PD rights, other designations may prevent demolition, for example, where a building is listed under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, or is in a conservation area designated under that Act.

We are in the process of reviewing PD rights more generally as part of the wider review of planning, which the current Planning (Scotland) Bill is part of. Specific changes to PD rights will be a matter for public consultation after the passage of the Bill. While the demolition of pubs has not been raised with us in recent years as a significant problem in Scotland, we will consider the need for additional controls in the context of the PD rights review.

I hope this information is of assistance to the Committee.

Yours sincerely

ALAN CAMERON
Policy Manager