

Briefing for the Citizen Participation and Public Petitions Committee on PE2063: Increase funding for local authorities to enable better management and protection of conservation areas, submitted by David Walsh on behalf of Park Preservation Patrons

Background

Conservation areas are defined in Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.

All planning authorities are required, from time to time, to determine which neighbourhoods within their area meet this definition and to designate them as conservation areas.

Conservation area designation means that:

1. the demolition of any building within the area is prohibited without the consent of the planning authority.
2. the protection to trees normally offered by a Tree Preservation Order (TPO) extends to trees within a conservation area that are not already covered by a TPO. This means anyone wishing to cut down, lop, top, or uproot a tree in a conservation area must give the local authority six weeks' notice of their intention to carry out such work. The authority may grant approval for the work within six weeks or seek to protect the tree by means of a TPO.

Additional restrictions on minor development within a conservation area can be imposed by a measure known as an Article 4 Direction. Such Directions are promoted by the planning authority and are subject to confirmation by Scottish Ministers. An Article 4 Direction requires a developer to apply for planning permission for specific types of development which would normally be regarded as 'permitted development', i.e. development that does not require a planning application. Article 4 Directions can require permission for a variety of minor works, such as the replacement of original doors and windows.

Planning authorities are required, from time to time, to develop and publish proposals to preserve and enhance the character and appearance of conservation areas. These typically take the form of conservation area character appraisals and management plans, e.g. the [Park Conservation Area Appraisal](#) (the area where the petitioners are based) produced by Glasgow City Council in 2018.

Scottish Ministers have powers to make grants or loans for the purpose of preserving or enhancing the character or appearance of a conservation area. Historic Environment Scotland manage a national [Heritage and Place Programme](#) which aims to support community-led regeneration of the historic built environment.

It should be noted that responsibility for the upkeep of land or buildings within a conservation area rests with its owners. Maintenance and development of the public realm is generally a matter for the local authority, although the work of utility companies and other public bodies can also have an impact on public space.

Government Action

The Scottish Government has not taken any significant, recent action on additional funding for the maintenance or enhancement of conservation areas.

Scottish Parliament Action

To date, the Scottish Parliament has not considered funding for the maintenance and enhancement of conservation areas in any detail.

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10 January 2024

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