

HISTORIC SCOTLAND BOARD

INSPECTORATE CASEWORK HIGHLIGHT REPORT

Purpose

1. To keep the Board informed about the numbers and range of work undertaken by the Inspectorate. The report presents monthly receipts of our main areas of casework for comparison both in-year and against the previous year's receipts. It also draws out any high profile or interesting cases and provides information about specific casework-related projects which may be of interest.

1. Statistical Overview

The tables below set out receipts within our main areas of casework activity to the end of the final quarter of 2008-09.

(i) Listed Building/Conservation Area Consent Notifications (LBC/CAC)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
LBC/CAC	2007-8	188	217	200	242	169	187	221	184	151	174	194	187	2314
	2008-9	221	195	234	192	180	204	189	145	155	107	144	171	2137

Notes: We have received 177 less notifications to the end of the final quarter this year in comparison to 2007-8. This represents 7.6% of total 2007-8 receipts.

(ii) Scheduled Monument Consent Applications (SMC)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
SMC	2007-8	24	24	22	37	18	18	17	16	16	39	25	28	284
	2008-9	19	20	28	23	19	9	13	16	16	20	20	38	241

Notes: We have received 43 less applications to the end of the final quarter this year in comparison to 2007-8. This represents 15.1% of total 2007-8 receipts.

(iii) Statutory Planning Consultations (GDPO)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
GDPO	2007-8	46	59	62	53	57	55	77	66	47	50	57	58	687
	2008-9	67	54	57	67	58	55	75	40	16	66	51	54	660

Notes: We have received 27 less consultations to the end of the final quarter this year in comparison to 2007-8. This represents 3.9% of total 2007-8 receipts.

(iv) Properties in Care Clearance Applications (PICC)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
PICC	2007-8	7	5	9	14	36	14	12	17	7	6	8	10	145
	2008-9	8	16	20	18	14	25	17	23	15	21	22	23	222

Notes: We have received 77 more applications to the end of the final quarter this year in comparison to 2007-8. This represents 53% of total 2007-8 receipts.

(v) Environmental Impact Assessment Consultations (EIA)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
EIA	2007-8	33	22	35	31	34	42	35	20	38	47	52	52	441
	2008-9	39	25	43	50	32	27	28	29	25	32	40	44	414

Notes: We have received 27 more consultations to the end of the final quarter this year in comparison to 2007-8. This represents 6.1% of total 2007-8 receipts.

(vi) Strategic Environmental Assessment Consultations (SEA)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
SEA	2007-8	17	23	20	25	39	22	21	44	28	17	32	39	327
	2008-9	40	28	22	43	24	24	31	29	21	30	17	17	326

Notes: We have received 1 less consultation to the end of the final quarter this year in comparison to 2007-8. This represents 0.3% of total 2007-8 receipts.

(vii) Local Authority Development Plans (LADP)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
LADP (Local & Structure)	2007-8	2	3	2	4	4	3	3	3	1	3	5	0	33
	2008-9	1	5	2	4	1	1	1	4	3	1	0	2	25

Notes: We have received 8 less consultations to the end of the final quarter this year in comparison to 2007-8. This represents 24.2% of total 2007-8 receipts.

(viii) Non-Routine Freedom of Information Requests (FOISA)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
Non-routine FOISA	2007-8	6	2	1	1	2	5	4	2	1	6	0	0	30
	2008-9	1	2	2	4	2	0	3	0	0	3	2	5	24

Notes: We have received 6 less requests to the end of the final quarter this year in comparison to 2007-8. This represents 20% of total 2007-8 receipts.

2. Highlight Report

(i) LBC/CAC Cases Called in 2008-9 only (to end final quarter)

No cases have been called in by Scottish Ministers in the current reporting year.

(ii) SMC Refusals Issued in 2008-9 only (to end final quarter)

SMC was refused for works to convert Rowallan (Old) Castle, Kilmaurs, East Ayrshire, to habitable use. The PLI took place in April 2008 and the final decision was issued by SG Planning Directorate on 09 January 2009.

(iii) Call in/Appeal Cases Determined 2008-9 only (to end of final quarter)

Address	Planning Authority	Development Proposal	Application Type	Reason for HS Involvement	Date of PLI/Hearing	Outcome
Balchrystie House, Leven	Fife	Replacement windows	LBC	Scottish Ministers called in the application on 05/09/2007 as the proposals appeared to be contrary to local and national policy. HS stated the case for retention and repair of the windows.	N/A (written submissions)	LBC refused 12/06/2008
Upper Clyde Windfarm	South Lanarkshire	Creation of an electricity generating station including erection of wind turbines and related structures	Electricity Act Section 36 consent	HS objected to the impact on the setting of scheduled monuments and to aspects of the environmental impact assessment.	PLI 31/08/2006	Section 36 consent was granted on 21/07/2008 subject to conditions which included mitigation of impacts on scheduled sites
Merranblo Windfarm	Orkney Islands	Erection of 3 wind turbines	GDPO	HS objected to the impact on the setting of scheduled monuments within the Heart of Neolithic Orkney, some of which are in the care of Scottish Ministers.	PLI 21/01/2008	Planning permission was refused on 30/10/2008
Cairn Greg, Linlathen Estate	Dundee City	Creation of crematorium, cemetery and associated public house/restaurant	GDPO	HS objected to the proposal as being contrary to national policy on the protection of scheduled monuments and their setting.	Hearing 14/05/08	Outline planning permission refused 08/10/2008
Old Mill Complex, Brown Street	Dundee City	Partial demolition of complex and erection of student accommodation	GDPO/LBC	The applicant appealed against non-determination of the application by the PA. HS objected to the proposals as the case for demolition had not been made.	Hearing 08/10/08	Appeal dismissed. Planning and LB consent refused 01/11/2008

(iv) Call in/Appeal Cases Pending

Address	Planning Authority	Development Proposal	Application Type	Reason for HS Involvement	Date of PLI/Hearing	Current Status
Glen O'Dee Hospital, Banchory	Aberdeenshire	Change of use of the former hospital including partial demolition and alterations to the building to form 19 dwelling houses.	LBC/GDPO	Scottish Ministers called in the application on 25/02/2008 as the proposals appeared to be contrary to national policy on the protection of listed buildings and their setting. HS also objected to the related planning application which has also been called in.	N/A (written submissions)	The LBC/CAC call in is conjoined with the call in of the associated planning application. Both are on hold currently pending completion of a bat survey to be carried out in Spring 2009.
Fullarton Parish Church, Irvine	North Ayrshire	the demolition of the church including the former schoolhouse at the above property.	LBC	Scottish Ministers called in the application on 20/03/2008 as the proposals appeared to be contrary to national policy on the retention of listed buildings.	PLI (Date to be confirmed)	Papers have now been transferred to DPEA to set up a PLI, date to be confirmed. Applicant has requested that the PLI is sisted pending the outcome of a parallel application.
Bailie Windfarm	Highland	Erection of 21 turbines	Electricity Act Section 36 consent	HS objected to the impact on the setting of scheduled monuments and to aspects of the environmental impact assessment.	PLI was held on 17/03/09	Decision pending.

(v) FOISA Reviews and Appeals 2008-9 (to end of final quarter)**(a) Requests for internal review**

Subject of Request	Exemption Originally Applied	Date of Receipt	Outcome of Review
Former Fowlers Brewery HQ, Prestonpans – request for qualifications of listing inspectors	N/A	30/08/08	Original decision was upheld and additional material released
Former Fowlers Brewery HQ, Prestonpans – request for advice given to the minister about the listing review	3 documents were withheld under section 30(b)(i) – release would or would be likely to inhibit substantially the free and frank provision of advice	30/08/08	Original decision was partially upheld. Two of the documents were released in full and the third was partially released (specific items redacted under section 30(b)(i))
Former Fowlers Brewery HQ, Prestonpans – request for qualifications of listing inspector who conducted original survey	Specific details withheld under section 38(i)(b) – personal data of a third party and release would breach the first data protection principle	21/09/08	Original decision upheld in full

(b) Appeals to OSIC

Subject of Appeal	Exemption Originally Applied	Date of Receipt	Outcome of Appeal
Former Fowlers Brewery HQ, Prestonpans – request to release in full a minute to the minister about the listing review sections of which were redacted following an internal FOISA review	Redaction to one document section 30(b)(i) – release would or would be likely to inhibit substantially the free and frank provision of advice	07/10/2008	HS released the document in full upon considering the case further, however, the appellant insisted that OSIC complete their investigation. OSIC subsequently concluded we had not complied with Part 1 of FOISA in withholding the redacted information.
Former Fowlers Brewery HQ, Prestonpans – request for qualifications of listing inspector who conducted original survey	Specific details withheld under section 38(i)(b) – personal data of a third party and release would breach the first data protection principle	05/12/2008	OSIC concluded that we had complied fully with Part 1 of FOISA in withholding the information.

