

Delayed Office Opening for Employee Training

This Office will be closed from 8.45am – 11.00am on the 1st Thursday of each month

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Our ref T101/1

Your ref *

Date 12 August 2009

Dear Sir or Madam,

Consultation on the Ancient Monuments and Listed Buildings (Amendment) (Scotland) Draft Bill

Thank you for consulting Perth and Kinross Council on the Draft Bill. In general we welcome the proposed amendments, and agree that the changes will assist the regulatory and planning authorities in managing the historic environment in a sustainable way.

In particular the new enforcement provisions will support the aims of the Council's Enforcement Charter, currently in development, as required by the Planning etc. (Scotland) Act 2006.

We also welcome the proposal to introduce a certificate of immunity from listing (Section 18). However we would suggest that this allows Historic Scotland to relax its policy of not listing in the face of a live planning application, if the owner or developer has not taken the opportunity to apply for a certificate of immunity. This would allow a balance to be struck between providing certainty to the developer, and the opportunity to protect a building on the rare occasions where potentially listable structures only come to light late in the development planning process.

Regarding financial implications, we agree that the proposed amendments are unlikely to have a significant overall impact on the Council's day-to-day operations and costs. The use of the enforcement provisions will have the opportunity to be reviewed under the proposed 12-month review of the Council's Planning Enforcement Charter. We note that the majority of the provisions will impact most significantly upon Historic Scotland. While the report indicates that the likely additional costs to Historic Scotland arising from the Bill will be marginal and absorbable, we have some concerns that the potential benefits of the new powers will not be fully realised if their use is constrained by limited resources. We would suggest that the demand for or potential use of the new powers is kept under review and resources allocated appropriately in future to meet that need.

We have no comment on the Partial Regulatory Impact Assessment or the equalities impact of the Draft Bill.

The views expressed here represent those of officials and are not binding on the Council as Planning Authority.

Yours faithfully,

Rachel Haworth
Conservation Officer (Design)