



RESPONSE BY THE SCOTTISH CHURCHES COMMITTEE TO THE ANCIENT MONUMENTS AND LISTED BUILDINGS (AMENDMENT) (SCOTLAND) BILL – CONSULTATION AND DRAFT BILL

The Scottish Churches Committee is grateful for the opportunity of responding to this consultation.

Whilst it is mainly content with the proposals for legislative reform contained in the proposed Bill, it would make the following comments in regard to listed buildings.

On a general note, the Committee would express disappointment that none of the proposals would go towards addressing the Committee's concerns about the future of the built heritage and, in particular, ecclesiastical buildings caused by a lack of finance for their protection. Pragmatically, to secure the preservation of the more significant examples of Church buildings and continue them in use as such, either additional finance will require to be made available by way of grant-aid or current listing policies substantially reviewed. The listing of a building has the result of imposing many new financial obligations on owners to which - for example, by increased penalties for default - the Bill will potentially add. These obligations can impact particularly severely on voluntary organisations such as religious bodies. The higher costs of maintaining listed buildings is a factor which can operate against listed Churches being retained in ecclesiastical use. As the Committee has argued before, the "blanket" listing of large numbers of Church buildings of a similar type which are not of substantive architectural or historic merit is counter-productive. It is regretted that this issue and, in particular the issue of greater consultation with and a right of appeal for owners when a building is being listed, is not one of the proposals mooted.

The Committee cautiously welcomes the introduction of a procedure whereby a Certificate of Immunity for Listing can be applied for. It anticipates, however, that these will be granted only rarely – an expectation which seems to be borne out by the numbers mentioned in the financial assessment annexed to the consultation document.

Coupled with the proposed increase in levels of fines, the Committee has some doubts regarding the proposal to enable Planning Authorities to issue fixed penalty notices as an alternative to prosecution where a person is in breach of Listed Building Enforcement Notice. It appreciates that this is harmonising measure and that Local Authorities have been given such powers under the Planning Etc. (Scotland) Act 2006. It notes the view that this will offer a "quick, practical and viable alternative" to the current system of prosecution via the Procurator Fiscal service. However, by essentially "de-criminalising" such breaches, unscrupulous developers may be tempted to build in the possibility of paying such fines if detected into development costs and the stigma of publicity will disappear. There could also

be a perception that Councils would in time view the penalties as an additional income stream akin to parking fines and might be over zealous in their use.

The Committee is in two minds about the proposal that Scottish Ministers and Planning Authorities should have the power to recover the costs of work carried out by them on a new owner after the building changes hands. Clearly, this may in many cases deter such buildings being sold and may add to the number of listed buildings which lie empty and deteriorating as evidenced by the Buildings at Risk Register maintained by the Scottish Civic Trust. The Committee hopes that policies and procedures will be put in place to ensure that the right of recovery will be administered fairly with the preservation of the building having priority over recovery of funds when the position is assessed under Section 50 of the 1997 Act.

The Scottish Churches Committee is an inter-denominational body on which are represented the main Christian denominations in Scotland, namely, the Church of Scotland, the Roman Catholic Church in Scotland, the Scottish Episcopal Church, the Associated Presbyterian Churches, the Baptist Union, the Free Church of Scotland, the Free Presbyterian Church, the Methodist Church, the United Free Church of Scotland, the United Reformed Church (Scottish Synod) and the Salvation Army. The Committee also maintains links with the Scottish Council of Jewish Communities

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