

Head of Service: Iain McDiarmid  
**Executive Director: Gordon Greenhill**

Dr Gordon J Barclay  
Head of Policy  
Historic Scotland  
Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Our Ref: EJ10 AMT/amt  
Your Ref:

Planning  
**Infrastructure Services Department**  
Grantfield  
Lerwick  
Shetland  
ZE1 0NT

Telephone: 01595 744800  
Fax: 01595 744804  
Infrastructure@shetland.gov.uk  
www.shetland.gov.uk

If calling please ask for  
**Austin Taylor**  
Heritage Manager  
Direct Dial: 01595 744833

Date: 21 August 2009

Dear Dr Barclay

### **The Ancient Monuments and Listed Buildings (Amendment) (Scotland) draft Bill**

I refer to the above draft Bill.

Shetland Islands Council's Planning Board considered the draft Bill at its meeting on 19 August 2009 and is generally supportive of the provisions that will be introduced by the Bill, subject to the following comments.

The Planning etc. (Scotland) Act 2006 introduced new provisions for the determination of planning applications for 'local' developments including schemes of delegation and local reviews. The Council would ask Historic Scotland to consider if similar provisions would be appropriate for applications for listed building and conservation area consents. This would further bring historic environment legislation in line with the planning regime.

The 2006 Act also introduced a requirement for Notices of Initiation of Development and Notices of Completion of Development. The Council believes that similar provisions should usefully be applied to listed building consents.

The Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008 introduced a statutory requirement for design statements to accompany planning applications for developments within the curtilage of a Category A listed building. The Council would suggest that this requirement should apply to developments within the curtilage of all listed buildings, although it acknowledges that such an amendment may not be possible through this Bill. It would also support a statutory requirement for Heritage Impact Statements to accompany applications for listed building consent.

The Council would also support the introduction of a general duty of care for the historic environment similar to the duty to further the conservation of biodiversity introduced by the Nature Conservation (Scotland) Act 2004.

The Council wishes to note its particular support for the provisions in Section 11 (financial support for preservation etc. of monuments) and Section 18 (certificate that building not intended to be listed).

The Council also feels that there should be a process to forewarn owners that their building is about to be listed.

Please get in touch if you require any further information.

Yours sincerely

Heritage Manager

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