

HISTORIC SCOTLAND BOARD 28 & 29 OCTOBER 2009

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 Inspectorate projects which may be of interest, excluding modernisation projects which are reported separately.

1. Statistical Overview

The tables below set out receipts within our main areas of casework activity to the end of the final quarter of 2009-10.

(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	2008-9	221	195	234	192	180	204	189	145	155	107	144	171	2137
	2009-10	164	166	187	159	131	184	-	-	-	-	-	-	991

Notes: We have received 235 less notifications to the end of the second quarter this year in comparison to 2008-9. This represents 11% of total 2008-9 receipts.

(ii) Scheduled Monument Consent Applications (SMC)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
SMC	2008-9	19	20	28	23	19	9	13	16	16	20	20	36	239
	2009-10	21	33	29	13	22	12	-	-	-	-	-	-	130

Notes: We have received 12 more applications to the end of the second quarter this year in comparison to 2008-9. This represents 5% of total 2008-9 receipts.

(iii) Statutory Planning Consultations (DMPR)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
DMPR	2008-9	67	54	57	67	58	55	75	40	16	66	51	54	660
	2009-10	46	71	67	63	67	41	-	-	-	-	-	-	355

Notes: We have received 3 less consultations to the end of the second quarter this year in comparison to 2008-9. This represents 0.5% of total 2008-9 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	2008-9	8	16	20	18	14	25	17	23	15	21	22	23	222
	2009-10	17	15	24	23	29	23	-	-	-	-	-	-	131

Notes: We have received 30 more applications to the end of the second quarter this year in comparison to 2008-9. This represents 13.5% of total 2008-9 receipts.

(v) Environmental Impact Assessment Consultations (EIA)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
EIA	2008-9	39	25	43	50	32	27	28	29	25	32	40	44	414
	2009-10	39	37	38	44	48	39	-	-	-	-	-	-	245

Notes: We have received 29 more consultations to the end of the second quarter this year in comparison to 2008-9. This represents 7% of total 2008-9 receipts.

(vi) Strategic Environmental Assessment Consultations (SEA)

Casework Type	Year	April	May	June	July	August	September	October	November	December	January	February	March	TOTAL
SEA	2008-9	40	28	22	43	24	24	31	29	21	30	17	17	326
	2009-10	20	22	30	18	28	16	-	-	-	-	-	-	134

Notes: We have received 47 less consultations to the end of the second quarter this year in comparison to 2008-9. This represents 14.4% of total 2008-9 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)	2008-9	1	5	2	4	1	1	1	4	3	1	0	2	25
	2009-10	1	1	4	2	2	9	-	-	-	-	-	-	19

Notes: We have received 5 more consultations to the end of the second quarter this year in comparison to 2008-9. This represents 20% of total 2008-9 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	2008-9	1	2	2	4	2	0	3	0	0	3	2	5	24
	2009-10	4	5	4	1	3	0	-	-	-	-	-	-	17

Notes: We have received 6 more requests to the end of the second quarter this year in comparison to 2008-9. This represents 25% of total 2008-9 receipts.

2. Highlight Report

(i) LBC/CAC Cases Called in 2009-10 only (to end second quarter)

Scottish Ministers called in a listed building consent application for the partial demolition of, and internal and external alterations at, the **Former Odeon Cinema, 7 Clerk Street, Edinburgh** on 03 June 2009. The applicant and planning authority opted for the case to be determined by written submissions as an alternative to a hearing or public local inquiry.

Following submission of written statements by the main parties, a site inspection took place on 07 September and the case is currently with the Reporter, who was independently appointed by the Scottish Government Directorate for Planning and Environmental Appeals (DPEA) to consider the case.

The Reporter will shortly set out his consideration of the case with recommendations in a report which will be issued to the Scottish Government Planning Directorate (SGPD) in the first instance. SGPD will consider the report and make a recommendation to the Planning Minister who will then take a decision on the case on behalf of the Scottish Ministers either in line with, or contrary to, the Reporter's recommendation, giving reasons for the decision.

The Scottish Ministers' decision on the case will then be issued to all parties, including Historic Scotland.

(ii) SMC Refusals Issued in 2009-10 only (to end second quarter)

No cases have been refused SMC to the second quarter of 2009-10.

(iii) Call in/Appeal Cases Determined 2009-10 only (to end of second quarter)

Address	Planning Authority	Development Proposal	Application Type	Reason for HS Involvement	Date of PLI/Hearing	Outcome
Craighead Stone Circle, Portlethen	Aberdeenshire	Change of use of land from agricultural to storage and distribution.	Planning Appeal	HS objected to the proposal on the basis that it would have a serious detrimental impact on the setting of the scheduled monument. Aberdeenshire Council subsequently refused planning permission and the applicant appealed the decision.	N/A (written submissions)	Appeal dismissed and planning permission refused. Reporter concluded serious impact to setting of monument contrary to SPP23, SHEP & policies in local development plan.

(iv) Call in/Appeal Cases Pending (to end of second quarter)

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)	LBC/CAC call in conjoined with associated planning application call in. Both put on hold pending completion of bat survey which was subsequently carried out in summer 2009. Written statements have now been requested by SGPD from all main parties (01 October), and the papers will subsequently be passed to DPEA to appoint a Reporter.
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 (sisted)	Papers are with DPEA. Progression to PLI is currently sisted until 08 November 2009 pending the outcome of a parallel application.

(iv) Call in/Appeal Cases Pending (to end of second quarter)

Address	Planning Authority	Development Proposal	Application Type	Reason for HS Involvement	Date of PLI/Hearing	Current Status
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.
Former Odeon Cinema, 7 Clerk Street, Edinburgh	City of Edinburgh	Partial demolition and internal and external alterations to form hotel, artists studio & gallery space.	LBC	Scottish Ministers called in the application on 03 June 2009 as the proposals appeared to be contrary to local and national policies on the demolition of listed buildings.	N/A (written submissions)	Decision pending.
Falkirk Local Plan	Falkirk	Proposed revision to land allocations within Falkirk Local Plan.	Town & Country Planning Act 1997	Falkirk Council refused to revise land allocations affecting the site & settings of several scheduled monuments and Antonine Wall WHS. HS appeared as an expert witness in support of the Council's position.	12/06/09	Decision pending.
Antonine Wall WHS	Falkirk	Erection of a distillery	GDPO	HS objected to the proposals due to the impact on the setting of the scheduled monument and WHS.	01/12/2009	HS precognition being prepared.

(v) FOISA Reviews and Appeals 2009-10 (to end of second quarter)

(a) Requests for internal review

Subject of Request	Exemption Originally Applied	Date of Receipt	Outcome of Review
Copy of HS commissioned Drivers Jonas report on the assessment of the case for demolition in respect of the Former Odeon Cinema, Clerk Street, Edinburgh prior to a decision on call in having been taken.	Section 30 (c) Release would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.	14/04/09	Original decision overturned and document released in full.
Identity of listing proposer of 29, Kilbowie Road, Clydebank	Section 38 (1)(b) Personal data of a third party.	14/05/09	Original decision upheld – information withheld.
Identity of listing proposer of Muir House, Carnock Road, Dunfermline	(i) Section 38(1)(b) Personal data of a third party. (ii) Section 36(2) Actionable breach of confidentiality	27/06/09	Original decision upheld – information withheld.

(b) Appeals to OSIC

There are currently no decisions pending from OSIC nor were there any new appeals to the end of the second quarter.