

By Post and Email

07 December 2009

Our Ref: CF/000034/SPP

Historic Scotland

Longmore House (E8)
Salisbury Place
EDINBURGH
EH9 1SH

Attn: Mr Gordon Mackie

Dear Sir,

**Historic Scotland Guidance Notes – Managing Change in the Historic Environment
Demolition – Consultation Draft August 2009**

Keppie Planning & Development Ltd currently employ 7 no chartered planners in offices in Glasgow and Edinburgh and, along with the wider Keppie Design practice, appreciate the role of Historic Scotland in providing guidance to support the Scottish Historic Environment Policy (SHEP) and Scottish Planning Policy SPP23: Planning and the Historic Environment.

We note the current consultation undertaken by Historic Scotland in respect of the above, and following from an independent review of the document, we offer the following comments in respect of Question 2 of the consultation, i.e.: Do you think the guidance notes present Scottish Minister's advice on the Historic Environment in a clear and consistent manner?

From a review of the Demolition Guidance Paper, we are particularly concerned that the paper does not provide clear guidance on Scottish Ministers' policy in respect of demolition of Listed Buildings.

Paragraph 3.44 of the SHEP states:

Where the application proposes the demolition of a listed building applicants will be expected to provide evidence to show that:

- a. *the building is not of special interest; or*
- b. *the building is incapable of repair; or*
- c. *the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or*
- d. *the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.*

Continuing from the above, in respect of applications for demolition, paragraph 3.50 of the SHEP notes the same set of criteria, and states:

In the case of applications for the demolition of listed buildings it is Scottish Ministers' policy that no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Planning authorities should therefore only approve such applications where they are satisfied that:

- e. *the building is not of special interest; or*
- f. *the building is incapable of repair; or*
- g. *the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or*
- h. *the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.*

It is particularly concerning that the above criteria are not repeated verbatim anywhere within the Guidance Paper, but in fact are paraphrased on a number of occasions, often resulting in an inconsistent approach to Policy being presented.

For example, page 2, paragraph 3 of the Guidance Paper states as follows:

Applicants normally need to show that they have made all reasonable efforts to retain the building by demonstrating that:

- *the significance of the building and its setting is fully understood;*
- *the condition of the building has been assessed by appropriate conservation professionals;*
- *repair is not economically viable;*
- *alternative sources of finance have been explored;*
- *the property has been marketed for a reasonable period at a price reflecting its condition to potential restoring purchasers.*

Page 5, paragraph 1 further states:

In line with national policy, applications for demolition will be assessed against the following tests:

- *importance of the building;*
- *condition of the building;*
- *economic viability of re-using the building;*
- *wider public benefits*

We consider the bullet points noted in these examples should be replaced with those provided within the SHEP in order to remove any confusion and provide a clear account of statutory requirements for justification of demolition.

The importance of the word 'or' in this context is particularly noted and, in line with the policy provided within the SHEP, we consider must be included in any list which provides criteria which would be considered in justification of demolition.

It is our interpretation of the SHEP that a key policy change between this document and the previous guidance provided in NPPG 18 is that, according to the SHEP, demolition of a listed building can be justified so long as one of the criterion noted can be met. The word 'or' is key. Should this, widely held, interpretation prove to be incorrect, then we request that clarity of such be provided within the guidance.

On the assumption that our interpretation is correct, we do not consider this point to be particularly well expressed within the supplementary Guidance Paper, and we are concerned that some guidance within the Paper can be seen as contradictory to this important issue.

Page 5, paragraph 2 for instance states:

To obtain consent for demolition, applications will need to meet at least one of the above tests. Applicants should therefore submit detailed information regarding each relevant test in support of their proposals.

We consider this to be incorrect and misleading. By stating "at least one" in the above, this takes emphasis away from the fact that only one of the tests can be enough to justify demolition. There should thus be no need to prepare or submit evidence in respect of any other test if justification can be provided for one test only.

Further, page 4, paragraph 1 states:

Only where it can be shown that all efforts to retain a building have been exhausted will consent to demolish be granted.

We appreciate this sentence is taken from Paragraph 3.50 of the SHEP (see above), however consider that removing this sentence from its intended context is potentially misleading.

As noted above, it is our interpretation of the SHEP that justification against any of the 4.no criteria noted can be considered appropriate to permit demolition of a listed building. As such, appropriate evidence that the building is not of 'special interest' should be sufficient to justify demolition, no matter what the condition of the building, its suitability for reuse/retention, or what attempts have been made to retain the building. We do not think that this sentence alone allows this point to be fully understood.

We request this point regarding justification against one test be made explicitly clear within the document, as we do not consider this important policy point to be particularly well interpreted within the current draft of this paper.

The importance of a building as sufficient reason for demolition is however noted within page 5, paragraph 3, which states:

Consent may be granted for the demolition of a building that is no longer of sufficient merit to be listed.

We are pleased that attention to this point has been paid here, but again note our concern that a consistent approach to guidance has not been provided throughout the document, and in some cases the approach provided is at odds with the SHEP.

Summary

In summary, we are pleased that Historic Scotland are to produce additional guidance in order to support the SHEP and SPP 23, however we consider that such guidance should provide advice which is consistent with government policy, not contrary.

As such, we hope due consideration will be given to the points made above during the continued review of the document.

Please find enclosed the Respondent Information Form for your records. In you have any queries, or require any further information, please do not hesitate to contact the undersigned on **0141 204 0066**.

Yours sincerely,



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Enc.

cc Keppie Planning and Development Ltd (via email)