

**Analysis Report on the Consultation on the
Implementation of the Removal of the Duty of
Planning Authorities to Notify Historic Scotland
on Certain Types of
Listed Building Consent Application**



**Analysis Report
Historic Scotland's Inspectorate
9 December 2009
CRES Ref: Con1158**

Table of Contents

Section 1: Acknowledgements	3
Section 2: Executive Summary.....	4
Section 3: Introduction	5
Section 4: Responses	7
Section 5: Findings.....	10
Section 6: Conclusions	21
Annex 1: List of organisations notified about the consultation exercise	24
Annex 2: Written responses to the consultatation	26

Section 1: Acknowledgements

1. Historic Scotland would like to thank all those who responded to this consultation document by providing written comments.

Section 2: Executive Summary

2. Historic Scotland is pleased to announce the findings of the consultation on the implementation of the removal of the duty to notify, an initiative designed to improve the way Scotland's historic environment is managed. This is part of Historic Scotland's commitment to improving its partnership with planning authorities and delivering a better service to all its customers.
3. Over the last year Historic Scotland has been exploring whether it would be possible for planning authorities to issue listed building consent more quickly, whilst maintaining the quality of decisions. Between October and December 2008 the agency ran a pilot with Perth & Kinross, Glasgow City and the City of Edinburgh Council's which tested this. It was found that typically consents for applications determined under the pilot were issued more quickly and the decisions taken by planning authorities were in line with policy.
4. Between 25 June and 25 September Historic Scotland ran a public consultation which sought views on whether and how the agency might take forward the removal of the duty to notify Scottish Ministers on more straightforward types of listed building consent applications, as tested by the pilot. The consultation explained how the pilot had run, set out its conclusions and asked some specific questions to inform the design of any future scheme should it be taken forward.
5. Thirty-two responses were received to the consultation. The majority of respondents supported a scheme which would lead to planning authorities issuing listed building consent decisions more quickly while maintaining the quality of the decisions taken. The benefits of freeing up some of Historic Scotland's time so that the agency could focus on areas which it could add most value, such providing early advice on more complex applications, were also recognised.
6. There was broad agreement that to achieve these aims it will be essential for planning authorities to have appropriate expertise, policies, procedures and monitoring and review arrangements in place. It will also be vital that these are administered in a clear and transparent way, and that any failure to meet the required standards can be identified quickly and resolved so that Scotland's historic environment is not eroded.
7. Historic Scotland now proposes to design a scheme, based on the pilot and suggestions received through the consultation, which sets out what planning authorities will need to do if they wish to take on sole responsibility for determining more straightforward listed building consent applications.

Section 3: Introduction

Background to the Consultation

8. The consultation on the implementation of the removal of the duty of planning authorities to notify Historic Scotland on certain types of listed building consent application commenced on 25 June and the consultation period closed on 25 September. It is available at: <http://www.historic-scotland.gov.uk/index/about/consultations/closedconsultations.htm>. The consultation invited views on whether and how Historic Scotland should take forward the removal of the duty to notify Scottish Ministers on certain types of listed building consent application as tested by the pilot which ran from October-December 2008 with Glasgow City, City of Edinburgh and Perth & Kinross Councils.

Report Objectives

9. This document fulfils the requirement for an Analysis Report set out in the Scottish Government's good practice guidance on consultation. The objective of this report is to analyse and report on the responses made to the consultation on the implementation of the removal of the duty of planning authorities to notify Historic Scotland on certain types of listed building consent application.
10. The report does not set out Scottish Ministers' comments on or responses to those suggestions. The inclusion of a comment or suggestion does not imply that any contribution is accepted as accurately characterising the actual policy position or what may be taken forward should Scottish Ministers wish to roll-out a scheme implementing the removal of this duty to Scotland's planning authorities.
11. You can find a summary of the findings of the consultation in section 6. Copies of this report can be downloaded from <http://www.historic-scotland.gov.uk/index/about/consultations/closedconsultations.htm>. Printouts may be requested from:

Historic Scotland's Inspectorate
Longmore House
Salisbury Place
Edinburgh EH9 1SH
Or hs.inspectorate@scotland.gsi.gov.uk

Methodology

12. The response data were recorded, organised and summarised on a spreadsheet. A record was made of positive and negative responses, and key themes and issues raised. A frequency count was made of the overall number of responses by interest group and of the responses to each question. A qualitative analysis of the data was then carried out using this

framework. The summarised data for each question were reviewed and key themes and views were identified.

13. The findings of this report are specific to the consultation exercise and do not necessarily reflect the weight or range of views within the population as a whole.

Distribution and advertising

14. This consultation was advertised in the 'forthcoming' section of the Scottish Government's consultation webpages on 5 June. Organisations and individuals registered with the SEconsult alert service were notified of the consultation. Sixty-five stakeholders and organisations were also notified by email at the beginning of the formal consultation period (see [Annex 1](#)). This notification included relevant equality and voluntary organisations.
15. A news release was placed on Historic Scotland's website and circulated to the three pilot authorities. There was also national and local web and newspaper coverage.

Section 4: Responses

Introduction

16. The following statistical analysis sets out the number of organisations and individuals who responded to the consultation document in writing by interest group/sector, and compares them with the numbers who were notified about the consultation exercise. The consultation asked 12 questions most of which required yes/no answers as well as respondents' views. A breakdown of the responses to the questions asked is also provided.
17. Some respondents raised issues not directly relevant to the consultation. These are recorded as 'other issues' in section 5 of this document and have been noted for further consideration within Historic Scotland
18. Written responses from consultees who agreed that their submission be made public are available at <http://www.historic-scotland.gov.uk/index/about/consultations/consultation-responses-dutytonotify.htm>. Responses can be viewed in hard copy at the Scottish Government Library, F Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD. Copies of responses can also be provided by post. Charges for photocopies are made on a cost-recovery basis. To request copies by post, enquire about charges or make an appointment to view responses, telephone 0131-244-4565 or email SGLibraray@scotland.gsi.gov.uk.
19. Some organisations represent more than one interest. In these cases the general nature of the response has been used as a guide in order to facilitate the statistical analysis.

Breakdown of Responses

Responses by interest group/sector

20. A total of 32 responses were received (listed in Annex 2) to the consultation. A breakdown of responses by interest group/sector is provided in table 1 below.

Respondent Type	Number	% of all respondents
Private individual	0	0
Local authority	17	53
Heritage body	5	16
Amenity group	0	0
Private sector	2	6
Public body	4	12.5

Professional body	4	12.5
Total	32	100

Table 1: Responses by interest group/sector

Responses by interest group relative to distribution list

21. Sixty-five organisations were notified about the consultation; these organisations are listed at [Annex 1](#). Thirty-two responses were received (listed in [Annex 2](#)), representing a 49% response rate. Of the thirty-two organisations who responded, three were not included in the original distribution list. To our knowledge none of these are members of the umbrella groups who were notified. These figures are broken down in Table 2 below.

Respondent Type	Invited	Responded	Percent Return
Private individual	0	0	0
Local authority	34	17	50
Heritage body	8	5	62
Amenity group	3	0	0
Private sector	2	2	100
Public body	13	4	31
Professional body	5	4	80
Total	65	32	n/a

Table 2: Consultation participation by interest group/sector relative to distribution list

22. Table 2 shows that the majority of organisations notified about the consultation (52%) were local authorities. A good response rate was received from this sector, with half of the authorities notified providing a return. This sector made up the majority of the consultation responses received (53%).
23. 20% of the organisations notified were public bodies. The response rate for this sector was 31%. This lower response rate is predictable as many of the bodies are either based outwith Scotland or do not have direct involvement with the historic environment and were notified primarily for information.
24. Heritage and professional bodies made up 20% of the organisations notified. The sectors had good response rates - 62% and 80% respectively, making up 28% of all responses received.
25. In terms of distribution, no individuals were directly notified about the consultation and, despite it being an open public consultation, none responded. Whilst the aim is to speed up decision-making, which will benefit some owners of listed buildings, their agents are likely to be more interested in how applications are processed. This sector was represented by responses from two private sector organisations and two of the professional bodies, making up 12.5% of those who responded.

26. No responses were received from the three amenity groups consulted, however it is unlikely that the proposals will impact significantly on their interests.

Section 5: Findings

Breakdown of Responses to Questions

27. The consultation asked twelve questions. A breakdown of the number of responses to each question and the answers given to the closed questions (yes/no) is set out in Table 3 below. Most of the closed questions invited supporting comments, the number of which is also shown. There were a small number of 'open' questions the answers to which are categorised by 'free text' in Table 3. A summary of the qualitative responses is given under Summary of Responses.
28. Twenty-four respondents answered some or all of the questions, with many providing comments to support their answers. Four did not answer the questions but provided general comments. Four offered no comments.

Questions	Answers Given			Question not answered
	Yes	No	Qualified with statement /Free text	
1. In what capacity are you involved, or have you previously been involved, with the listed building consent process (e.g. applicant, agent, amenity body, planner, etc)?	N/A	N/A	23	9
2. What criteria do you think a planning authority should meet in order to qualify for taking on sole responsibility for determining listed building consent applications and what resources do you think may be involved?	N/A	N/A	23	9
3. Do you agree with the criteria proposed following the pilot?	18	1	N/A	13
4. It is Scottish Ministers' view that planning authority policies should be in line with national policy before they take on responsibility for determining applications. Do you agree? If not please explain why.	16	0	10	16

<p>5. Do you think the scope of applications identified in Schedule 1 is appropriate? Please explain your answer. It would be helpful if you could consider whether:</p> <ul style="list-style-type: none"> • anything else be included/omitted? • schedule 1 be extended to include category A-listed buildings? • schedule 1 be determined by exception rather than inclusion? 	16	2	18	14
<p>6. Do you think the method of monitoring planning authorities' decisions during the pilot was effective?</p>	17	2	12	13
<p>7. Do you think that planning authorities' decisions should be monitored as part of any future scheme? Please explain why/why not.</p>	23	0	12	9
<p>8. Do you think there are other ways which the monitoring could be done? If yes then how? It would be useful if you could consider:</p> <ul style="list-style-type: none"> • who should carry out the monitoring? • should all cases be monitored or just a sample? • how frequently should monitoring information be submitted? • if a sample of cases are monitored how should the samples be selected? • what would be good measures of success, i.e. what kind of information should be submitted for monitoring? 	17	2	19	13
<p>9. Do you think monitoring information for planning authority decisions on C(S)-listed buildings should also be included? Please explain why/why not?</p>	12	5	17	15
<p>10. How regularly do you think a planning authority's overall performance should be reviewed and how do you think this should be carried out?</p>	N/A	N/A	20	12

11. Do you think there are any issues that might lead to the withdrawal of the ability of planning authorities to determine applications without notifying Scottish Ministers?	N/A	N/A	21	11
12. Do you support the principle of giving planning authorities sole responsibility to issue listed building consent for more straightforward applications? Please explain your answer.	26	1	22	5

Table 3: Responses to Questions

Summary of Responses

29. The written responses are summarised under each of the consultation questions below, and where appropriate the interest groups identified in the “Responses” chapter are included.

Question 1: In what capacity are you involved, or have you previously been involved, with the listed building consent process (e.g. applicant, agent, amenity body, planner, etc)?

30. Table 4 shows that thirteen of the respondents were planning authorities, three were either applicants or agents, three were consultees and four were a combination of these. Professional and heritage bodies were those which fell into the “Various” category, having members from different parts of the sector.

Planning Authority	Applicant/Agent	Consultee	Various
13	3	3	4

Table 4: Involvement with listed building consent process

Question 2: What criteria do you think a planning authority should meet in order to qualify for taking on sole responsibility for determining listed building consent applications and what resources do you think may be involved?

31. Most respondents suggested a number of criteria that planning authorities should meet, these are broken down in Table 5.

Criteria Suggested	Number
Staff with conservation skills/qualifications	20
Suitable policies	12
Suitable procedures	9
Suitable monitoring	8
Signatory to Joint Working Agreement	5
Up to date development plan	3

Trained elected members	1
Adequate resources (including training)	4
Up to date lists	2

Table 5: Breakdown of responses for criteria to qualify

32. The recurrent view was that the criteria should follow three of the four set out in consultation report. These were:
- Access to specialist conservation advice;
 - Appropriate policies; and
 - Supporting processes and monitoring to operate.
33. Twenty of the twenty-three respondents who answered this question identified the importance of having access to staff with conservation skills and/or qualifications.
34. Five of the responses given specifically identified the need to be a signatory to the Joint Working Agreement, which was the fourth criteria listed in the consultation, and a number identified the importance of this document elsewhere in their response.

Question 3: Do you agree with the criteria proposed following the pilot?

35. Eighteen of the nineteen respondents who answered this question agreed with the four criteria proposed to qualify for taking on sole responsibility for determining listed building consent applications. This is borne out by the answers given to question 2 above.
36. Exceptionally one heritage body did not agree. The body felt that local authorities should not be given this additional responsibility.

Question 4: It is Scottish Ministers' view that planning authority policies should be in line with national policy before they take on responsibility for determining applications. Do you agree? If not please explain why.

37. All sixteen respondents agreed that the policies of planning authorities should follow national policy to ensure that the importance of the historic environment is recognised and that decision-making protects it.
38. In addition three respondents thought planning authorities should have up to date development plans.
39. Three respondents expressed concern that government's proposals to streamline national policy (e.g. the Scottish Planning Policy) may weaken national policy, which could impact on the quality of decision-making.

Question 5: Do you think the scope of applications identified in Schedule 1 is appropriate? Please explain your answer. It would be helpful if you could consider whether:

- anything else be included/omitted?

- schedule 1 be extended to include category A-listed buildings?
- Schedule 1 be determined by exception rather than inclusion?

40. Sixteen respondents agreed that the scope as identified in schedule 1 of the pilot was appropriate. There were a number of suggested additions to schedule one. These were:
- 2-storey extension on 2-storey buildings;
 - Ramps;
 - Buildings in the curtilage of listed buildings; and
 - External decoration.
41. There were two exceptions, both heritage bodies. These two organisations stated that the list was not clear enough and could be open to interpretation. One also noted that the cumulative impact of a series of minor works could be substantial and that the assessment should relate to the impact on the building rather than the nature of the works.
42. Question 5 also asked for views on two sub-questions. Responses to these questions varied as is shown in table 6 below:

Question	Answer		
	Yes	No	Perhaps
Should schedule 1 be extended to include category A-listed buildings?	1	7	6
Should schedule 1 be determined by exception rather than inclusion?	Yes	No	Either
	8	3	1

Table 6: Schedule 1 – responses to sub questions

43. Seven (half) of the respondents felt that determining LBC applications for category A-listed buildings should remain the responsibility of Historic Scotland, due to the national remit of the agency and the national importance of the buildings. One planning authority favoured including category A applications, stating that *"Given that the Direction can be tailored to individual authorities, Schedule 1 could be extended to include certain works, either by exceptions or inclusions, to category A listed buildings"* (planning authority).
44. Six respondents suggested that there could be scope for including category A listed buildings in the future, reasons given for this included:
- If an authority demonstrated good decision making for LBC applications for category B-listed buildings;
 - If an authority had the skills and expertise to handle them; or
 - If after testing scheme was successful.
45. Eight of the eleven organisations who answered this question favoured determining schedule 1 by exception rather than by a list of inclusions. The reasons given to support this were that it would be less time consuming and easier to interpret. Three respondents felt that a definitive

list was clearer and easier to interpret avoiding confusion. One expressed no preference.

46. One planning authority suggested that "*a weekly list of all applications received could be sent to Historic Scotland indicating which ones it would be intended to determine without notification to them, affording Historic Scotland the opportunity to request certain of those applications to be notified to them*" (planning authority).
47. A small number of respondents also suggested that the complexity of proposals could be a factor in decision-making.
48. Two planning authorities emphasised the importance of being able to tailor what was included to suit the individual skills and needs of each authority.

Question 6: Do you think the method of monitoring planning authorities' decisions during the pilot was effective?

49. Seventeen respondents felt that the method of monitoring used during the pilot was effective. Many respondents recognised the importance of measuring both quality and speed of decisions, noting that whether decisions were in line with or contrary to officer recommendations was also important.
50. One planning authority felt that whilst the methodology was acceptable, the three month duration of the pilot was too short to draw any meaningful conclusions regarding speed and quality of decisions.
51. Five respondents felt that the process would be too onerous in the long term, and one heritage body was concerned that the standard of monitoring and speed of handling may not be maintained outwith the pilot.
52. Two respondents, both heritage bodies, stated that the method of monitoring was not effective as it did not assess the quality of decisions taken, only processing times. The pilot did monitor the quality of decisions. An Inspector assessed each individual application and the findings of this were shown in the spreadsheet which was appended to the consultation.

Question 7: Do you think that planning authorities' decisions should be monitored as part of any future scheme? Please explain why/why not.

53. All of the twenty-three respondents agreed that it was essential that the decisions of planning authorities should be monitored if they took on sole responsibility for determining certain LBC applications. The reasons for this included:
 - To ensure appropriate and consistent decisions;
 - To make sure that national policy was followed

- To protect the historic environment;
- For benchmarking; and
- To identify training needs within planning authorities.

Question 8: Do you think there are other ways which the monitoring could be done? If yes then how? It would be useful if you could consider:

- who should carry out the monitoring?
- should all cases be monitored or just a sample?
- how frequently should monitoring information be submitted?
- if a sample of cases are monitored how should the samples be selected?
- What would be good measures of success, i.e. what kind of information should be submitted for monitoring?

54. Two respondents, both planning authorities, supported monitoring as carried out during the pilot. Seventeen respondents suggested some amendments to the process. Suggestions included:
- Monitoring all applications initially, then a sample (six respondents)
 - Submission of a sample rather than all applications (six respondents)
 - Involve Historic Scotland at pre-determination then notify them if decision goes contrary to their advice (one planning authority);
 - Notify decisions contrary to officer recommendation to audit commission (one planning authority)
55. Most respondents felt that Historic Scotland should continue to monitor applications. Four respondents suggested that responses could be monitored either by a local body or committee which included Historic Scotland and the planning authority. One heritage organisation suggested including external representation on the monitoring committee. One private sector respondent suggested an in depth review of the quality of decisions by an independent body once the scheme had been running for a while.
56. Seven respondents specified how frequently monitoring information should be submitted. Suggestions included:
- Annually (3 responses);
 - Six monthly (3 responses);
 - Quarterly (1 response); and
 - Monthly (2 responses).
- A number of the responses implied that monitoring should be as cases were determined, however this was not explicitly stated in the text.
57. On the whole respondents did not give detailed answers on how the selection for sample monitoring might be carried out. Four suggested random sampling, however within this one respondent suggested ensuring that the sample was higher for areas with a greater concentration of listed buildings. One respondent suggested selecting the sample to include areas about which Historic Scotland had concerns (identified through assessing all cases for an initial period).

58. The final part of question 8 asked how success ought to be measured. The answers given to this element of the question were wide ranging, as is demonstrated by table 7 below:

Answer	Number of Respondents
Time taken to issue decision	4
Number of cases determined in line with policy	5
Evidence of added value, e.g. amendments, pre-application discussion	4
Decisions in line with officer and/or conservation advice	3
Application type	1
Appeal status	1
Loss of features of interest	1
Targets should be avoided	1

Table 7: How should success be measured?

59. A common strand was the importance of ensuring that decisions were issued quickly, and that the outcome for the historic environment was good.

Question 9: Do you think monitoring information for planning authority decisions on C(S)-listed buildings should also be included? Please explain why/why not?

60. Twelve respondents suggested that monitoring information should be submitted to Historic Scotland for category C(S)-listed buildings in addition to those covered by any future scheme. The main reason for this (seven respondents) was to present an accurate impression of decision-making for the wider historic environment. Two respondents felt planning authority decisions for C(S)-listed buildings should be assessed before they are given sole responsibility for determining LBC applications for other categories. One respondent answered that the current method for monitoring decisions on C(S) was unsuccessful.
61. Three respondents suggested that monitoring information for the demolition of C(S)-listed buildings should be submitted to Historic Scotland. There is however, no intention to include the demolition of any category of listed building with a future scheme, so these applications will be notified to Historic Scotland anyway, as they are at present.
62. Five respondents answered that to send monitoring information to Historic Scotland on C(S) LBC applications would be too onerous and would be a retrograde step in the context of planning reform. One respondent suggested that the information should be made available on request only.

Question 10: How regularly do you think a planning authority's overall performance should be reviewed and how do you think this should be carried out?

63. A variety of responses to this question were received. However fourteen of the twenty responses agreed that the review of overall performance should be annual, as is shown in table 8 below:

Answer	Number of Respondents
Annually	14 (2 suggested gradual increase to annually)
Six monthly	3
Quarterly	1
Every two years	1
Review period tailored to expertise of planning authority	1

Table 8: Suggestions for timescale for review

Question 11: Do you think there are any issues that might lead to the withdrawal of the ability of planning authorities to determine applications without notifying Scottish Ministers?

64. Fourteen respondents suggested that taking decisions contrary to policy could lead to withdrawal. Seven cited loss of qualified staff and four suggested that withdrawal should occur if an authority could no longer meet the eligibility criteria.
65. Three respondents emphasised the importance of discussion with the planning authority prior to withdrawal in order to give them the chance to rectify any problems.

Question 12: Do you support the principle of giving planning authorities sole responsibility to issue listed building consent for more straightforward applications? Please explain your answer.

66. Twenty-six of the twenty-seven respondents to this question supported the way of working set out in the consultation and tested by the pilot. The benefit of issuing faster decisions to applicants was recognised, as was freeing up some of Historic Scotland's time so the agency could add value to more complex applications, particularly at the pre-application stage.
67. Eight respondents stressed the importance of ensuring the quality of decisions was maintained via monitoring and review.

68. A small number of respondents expressed some concern about the potential loss of independent scrutiny of applications before decisions are issued.
69. One private sector respondent and one heritage body noted that determination times for Perth & Kinross Council did not improve during the pilot. The private sector respondent noted that this may suggest in the current economic climate the wider roll out may be less successful for smaller authorities. The heritage body suggested that no conclusions could be drawn about whether handling times would improve in smaller planning authorities.
70. Exceptionally one heritage body stated that:
"listed buildings are by definition national assets, established by an Act of Parliament, regardless of whether they are listed for national, regional or local importance. It is the Trust's view that the state must continue to play a formal part in their management" (heritage body).

This body did not accept the conclusions of the pilot advising that:

"we disagree with the implication, in the Executive Summary, that this Pilot Scheme will result in an improvement in the way that Scotland's historic environment is managed and that it will deliver a better service to all its customers. At best, the case has not been proven by this study" (heritage body).

71. Whilst supporting the principle of removing the duty to notify and recognising that it does have benefits, one planning authority states that:
"The council wishes to advise Historic Scotland of its broad concerns in relation to these matters and in particular its position that, from this council's viewpoint, the proposed joint working agreement and removal of the need to notify would do little to manage the historic environment more effectively and efficiently and would bring no benefits in casework handling performance" (planning authority).

Other Issues

72. Two of the heritage bodies emphasised the key role which they could play in the development management process, especially if Historic Scotland's involvement in certain applications was lessened. They explained that their local knowledge could be particularly valuable. Concern was expressed that their comments were not always given the same weight as those submitted by statutory consultees.
73. Nine planning authorities advised whether or not they would be interested in taking part in a scheme such as that set out in the consultation (six were ready and three were interested in principle). It is helpful to know that there is an appetite for a scheme such as this if implemented.
74. One private sector respondent and two planning authorities suggested that Historic Scotland should maintained a consultant role for LBC applications

even if responsibility for determination was passed to the planning authority. The reasons given for this were:

- If an applicant felt that their application had been handled inappropriately;
- If an authority did not have the resources or number of LBC applications to warrant dedicated conservation staff; and
- If an authority felt Historic Scotland's advice during the course of determining an application would be helpful.

75. Three respondents gave comments on the specific content of the "Joint Working Agreement between Historic Scotland and Planning Authorities in Relation to Statutory Casework and Consultation". This document was the subject of a separate consultation, and has now been issued in finalised form. However the comments have been noted and will be considered when the document is next reviewed and updated.

Section 6: Conclusions

Introduction

76. This section sets out a summary of the findings of this consultation exercise and outlines the proposed next steps.

Summary of Findings

General

77. The majority of respondents to the consultation supported the conclusions reached by Historic Scotland and the three pilot authorities, namely that pilot was a success for the following reasons:

- Decisions were issued more quickly to applicants;
- Decisions were taken in line with local and national policy, meaning the quality of decisions was maintained; and
- Historic Scotland's involvement was more proportionate, being focussed on more complex applications and allowing the authorities to make decisions locally where they had the skills to do so.

78. Twenty-six of the twenty-seven respondents supported inviting Scotland's planning authorities to consider whether they would be interested in taking part in a voluntary scheme based on that tested by the pilot. The importance of administering the scheme on an individual basis so it can be tailored to suit the needs and expertise of each planning authority was considered to be crucial.

79. The consensus from the responses received was that the success of any future scheme will depend on ensuring that planning authorities have appropriate conservation expertise and policies in place. The expertise and policies must be effective within the development management process. Respondents stated that training and support should be available to planning authorities to ensure they meet the criteria.

80. Respondents advised that the scheme must be straightforward to administer, and should be monitored and reviewed in a clear and transparent way which ensures that there is no erosion of the current standard of decision making.

Entry criteria

81. Respondents agreed that the entry criteria should follow those set out in consultation report. These are:

- Signed-up to the Joint Working Agreement;
- Access to specialist conservation advice;
- Appropriate policies; and
- Supporting processes and monitoring to operate.

82. A number of consultation responses were clear, however, that more detail on how these criteria would be defined and how each individual authority would be assessed was essential.

Scope of application types included

83. Most respondents agreed that the list of application types included in the pilot (schedule 1) was appropriate. A small number of additions were suggested. The importance of clarity was emphasised and about two-thirds of respondents felt that a list of exclusions rather than inclusions might be clearer.
84. Two respondents felt that the list was unclear. A meeting with one of these bodies revealed that their concern was primarily that the cumulative impact of many straightforward elements may lead to a complex application. A small number of respondents did support this by suggesting that applications were individually assessed on their complexity, rather than by a list approach.
85. The views of respondents were split evenly regarding whether listed building consent applications for category A-listed buildings should be included in any future scheme. Just over half felt that due to their national importance, compatible with the national remit of Historic Scotland, these applications should continue to be notified to Scottish Ministers. The remainder suggested that there could be scope for including these once the system and individual authority performance had been tested on listed building consent applications for category B.

Monitoring the scheme

86. It was agreed that in order to ensure quality and consistency are maintained, monitoring should be an essential part of any future scheme. Whilst many felt that the level of information submitted for the pilot would be onerous, responses made it clear that both the speed for determining applications and the quality of the decisions taken should be monitored. Suggestions for monitoring methods were split evenly between monitoring all decisions in the initial stages followed by an appropriate sample, and simply monitoring a sample of decisions from the start.
87. The majority of respondents felt that the monitoring role should fall to Historic Scotland. However a number also suggested a committee or steering group approach.

Review

88. Suggestions for the timescale for reviewing planning authority performance as a whole varied from quarterly to every two years, however most respondents favoured an annual performance review.
89. There was agreement that if an authority could no longer meet the entry criteria, or if they took unjustified decisions contrary to policy, then the duty to notify should be reinstated.

Next Steps

90. This analysis report will be circulated to everyone who responded to the consultation and will be placed on Historic Scotland's website at www.historic-scotland.gov.uk/closedconsultations.
91. The consultation responses suggest that there is broad support for taking forward a scheme which gives planning authorities the opportunity to be considered for taking on sole responsibility for determining more straightforward listed building consent applications without notifying Scottish Ministers. On this basis Historic Scotland will design a scheme, based on that tested by the pilot taking account, where possible, of the suggestions and comments made by the respondents to the consultation.
92. Historic Scotland will then contact all of Scotland's planning authorities setting out what they need to do if they wish to be considered. The methodology will also be published on Historic Scotland's website and circulated to those who responded to the consultation for their information.

Jim MacDonald, Deputy Chief Inspector
Victoria Murray, Business Improvement Officer
9 December 2009

Annex 1: List of organisations notified about the consultation exercise

Amenity Groups

Communication Forum Scotland
Inclusion Scotland
Scottish Disability Equality Forum

Heritage Bodies

Archaeology Scotland
Architectural Heritage Society of Scotland
Association of Local Government Archaeological Officers (ALGAO)
Built Environment Forum Scotland (BEFS)
Historic Houses Association
Scottish Civic Trust
Society of Antiquaries
The Society for the Protection of Ancient Buildings in Scotland (SPABiS)

Local Authorities

Aberdeen City Council
Aberdeenshire Council
Angus Council
Argyll and Bute Council
Cairngorms National Park
City of Edinburgh Council
Clackmannanshire Council
Comhairle nan Eilean Siar
Dumfries and Galloway Council
Dundee City Council
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
East Renfrewshire Council
Falkirk Council
Fife Council
Glasgow City Council
Highland Council
Inverclyde Council
Loch Lomond and Trossachs National Park
Midlothian Council
Moray Council
North Ayrshire Council
North Lanarkshire Council
Orkney Islands Council
Perth & Kinross Council
Renfrewshire Council
Scottish Borders Council

Shetland Islands Council
South Ayrshire Council
South Lanarkshire Council
Stirling Council
West Dunbartonshire Council
West Lothian Council

Public Bodies

Architecture and Design Scotland (A+DS)
Cadw
Commission for Equality and Human rights in Scotland
Department of Environment Northern Ireland (DoENI)
English Heritage
Forestry Commission
Heritage Lottery Fund
Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS)
Scottish Government: Built Environment Directorate
Scottish Natural Heritage
Scottish Water
Scottish Environment Protection Agency (SEPA)
Transport Scotland

Professional Bodies

Institute for Archaeologists (IfA)
Institute of Historic Building Conservation (IHBC)
Royal Incorporation of Architects in Scotland (RIAS)
Royal Institution of Chartered Surveyors (RICS)
Royal Town Planning Institute (RTPI)

Private Sector

Dundas and Wilson
Scottish Property Federation (SPF)

[Return to Breakdown of Responses](#)

Annex 2: Written responses to the consultation

There were 32 responses to the consultation, all of whom gave their permission for their response to be published.

Aberdeen City Council
Aberdeenshire Council
ALGAO: Scotland
Angus Council
Architectural Heritage Society of Scotland
Bob Stewart, Moray Council
Built Environment Forum Scotland
Chartered Institute of Architectural Technologists
City of Edinburgh Council
Directorate for the Built Environment
Dumfries and Galloway Council
East Ayrshire Council
East Dunbartonshire Council
English Heritage
Glasgow City Council
Highland Council
Institute for Archaeologists
Institute of Historic Building Conservation
Inverclyde Council
Perth and Kinross Council
Renfrewshire Council
Royal Institution of Chartered Surveyors
Scottish Borders Council
Scottish Civic Trust
Scottish Environment Protection Agency
Scottish Natural Heritage
Scottish Property Federation
South Lanarkshire Council
St Andrews Preservation Trust
Stirling Council
West Lothian Council
WYG Planning & Design

[Return to Breakdown of Responses](#)