

APPENDIX 2

CONSULTATION ON THE REMOVAL OF THE DUTY OF PLANNING AUTHORITIES TO NOTIFY HISTORIC SCOTLAND OF CERTAIN TYPES OF LISTED BUILDING CONSENT APPLICATIONS.

COMMENTS FROM ABERDEENSHIRE COUNCIL

- 1. In what background are you involved, or have been previously with the listed building consent process?**

This response is made by a group of officers employed by Aberdeenshire Council with responsibility for the historic environment including the determination of listed building applications.

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

The key thing is that Authorities should be able to demonstrate a good level of consistent decision making in the past which is in line with national and local policy on listed building applications. One way to test this would be to review decision making over a number of previous years to see if decisions have been consistent.

In terms of resources, the authority will need to ensure that it is equipped with the proper resources in terms of skills and knowledge at both officer and council level. It will also be a case of reviewing where and how resources are deployed. For instance an authority may employ staff with specialist knowledge but their time may be prioritised elsewhere than listed building applications. There may be a need for training or employment of new staff with the correct skills.

- 3. Do you agree with the criteria proposed following the pilot?**

Yes with one qualification that agreement should be reached on how HS and the authority will determine if the criteria are met, particularly in terms of decision making as it seems that this unlocks the key as to whether things are working or not (see 2 above).

- 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.**

Yes – agree

- 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 should be included/omitted**
- **Schedule 1 be extended to include category A- listed buildings**
- **Schedule 1 be determined by exception rather than inclusion.**

It is felt that there is reason to include curtilage buildings and external ramps in the schedule 1. Under stone working and masonry it is suggested that it should be made clear that this includes painting works.

Our preference is to see this list by inclusion rather than exclusion. It is felt that this could form the basis of a useful check list for applicants.

Our view is that the first phase of the scheme should be for category B listed building applications only. Progression to include category A applications should then be on an authority by authority basis as circumstances allow and on the basis that the category B scheme is successful.

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

It is felt that it would be useful to determine how decisions were reached as well, e.g. were the decisions based on officer recommendation and justification? This would enable appropriate targeting of discussion and action if necessary.

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

Yes it is felt appropriate that planning authorities' decisions should be monitored to ensure that the terms of the scheme are being met and decisions being made consistently. It is felt that it would be better to have a longer initial period for monitoring, 6-12 months would give a truer reflection but would have an impact on resources. We feel this should be a matter for discussion with each authority. Random monitoring thereafter should be put in place.

8. Do you think there are other ways in which the monitoring could be done? If yes then how?

It is felt that monitoring is a role for HS to carry out with the local authority supplying necessary information. It will be for each authority to consider how best information can be supplied. Monitoring should use information that is readily available to local authorities from their existing databases. It may be necessary to be flexible in what is monitored depending on each authority's circumstances. This is a

matter which can be determined locally with HS in order to make the best use of resources.

In the first instance all applications should be monitored. Thereafter once the scheme is shown to be working, monitoring could be tailored at the local level to pick up on any specific areas of concern.

A good measure of success would be decisions made in line with policy/officer recommendation provided that policy/officer recommendation was reflecting best practice.

It is recognised that monitoring is an essential part of the scheme but that it could impact on resources available to the planning authority and HS. Discussion locally will be key to ensure that this is kept to a minimum by using locally readily available information.

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

It may be useful to carry this out as part of the initial set up to the scheme on the basis that if an authority cannot properly determine category C(S) listed building applications then the scheme should not be extending to category B. If the monitoring proves satisfactory there is not felt the need thereafter to continue monitoring.

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?

It is suggested that returns could coincide with 6 monthly returns on statutory PI's as local authorities are already attuned to this timetable.

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?

The obvious measure would be ongoing inconsistency in decision making which does not improve following discussions between the two parties. The actual point at which this might happen should be discussed as part of the initial set up to the project so that both parties are agreed as to the accepted tolerance levels of departures to the scheme.

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.

Yes - the principle of giving planning authorities further responsibility in relation to listed building consents is supported. This should remain a

voluntary scheme. The benefits to local authorities should speak for themselves to encourage participation. All authorities will be at different points in their ability to respond to the scheme and it will require a supportive partnership approach in order to meet the criteria necessary to participate and with monitoring thereafter.