

Consultation Questions & Responses

Background

<p>1. <i>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)?</i></p>	<p>As an agent</p>
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Entry criteria

<p>2. <i>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?</i></p>	<p>Any Planning Authority who takes on the role for determining the applications should only employ suitably qualified professional persons to work on these applications, who have been accredited by Historic Scotland or through a third party accreditation scheme such as the one CIAT operates - CIAT's Accredited Conservation Register which is endorsed by Historic Scotland and other conservation authorities via the "Edinburgh Group" (there are four other such schemes). Additional resources do not necessarily have to be provided by the Local Authority, except for training of existing staff to ensure that they are competent.</p>
<p>3. <i>Do you agree with the criteria proposed following the pilot?</i></p>	<p>In principal - Yes</p>
<p>4. <i>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.</i></p>	<p>In principal – Yes</p>

Scope of application types included

<p>5. <i>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:</i></p>	<p>Yes – although restrictive in terms of non-residential buildings (referring to size of any extension)</p>
<p>➤ anything else be included/omitted?</p>	<p>The extent of application types to be included should include more non-residential buildings, with a percentage increase in floor area rather than a rigid 20m², which is extremely low.</p>
<p>➤ schedule 1 be extended to include category A-listed buildings?</p>	<p>No – Historic Scotland should maintain control over this portion of our heritage (for the time being at least). It could be re-visited after a period of time, but only if the non-notification scheme was deemed a success by Scottish Ministers.</p>
<p>➤ schedule 1 be determined by exception rather than inclusion?</p>	<p>Yes – It is far easier to produce a list of specific exclusions, which Historic Scotland can concentrate on, these may be specific or generic, with a location bias.</p>

Monitoring the scheme

<p>6. <i>Do you think the method of monitoring planning authorities' decisions during the pilot was effective?</i></p>	<p>Yes</p>
<p>7. <i>Do you think that planning authorities' decisions should be monitored as part of any future scheme? Please explain why/why not.</i></p>	<p>Yes – This would ensure consistency in approach and determination</p>
<p>8. <i>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:</i></p>	<p>Yes</p>
<p>➤ <i>who should carry out the monitoring?</i></p>	<p>A Central committee made up from Historic Scotland and senior Planning Personnel from the Local Authorities.</p>
<p>➤ <i>should all cases be monitored or just a sample?</i></p>	<p>A sample only – If all cases were monitored, there would be no change to the current system</p>
<p>➤ <i>how frequently should monitoring information be submitted?</i></p>	<p>Every six months – Any shorter would be ineffective</p>
<p>➤ <i>if a sample of cases are monitored how should the samples be selected?</i></p>	<p>There should be a percentage of applications (say 10%) on a random basis, but there should also be a location bias – to include for specific “sensitive” areas, where the percentage of listed buildings and structures is proportionately higher than other parts of the country.</p>
<p>➤ <i>what would be good measures of success, i.e. what kind of information should be submitted for monitoring?</i></p>	<p>Application type and description / Timescale for Decision / Appeal Status / Re-applications. A baseline could also be included to show whether or not pre-application discussion was carried out.</p>
<p>9. <i>Do you think monitoring information for planning authority decisions on C(S)-listed buildings should also be included? Please explain why/why not?</i></p>	<p>Yes – purely for recording purposes.</p>

Review

<p>10. <i>How regularly do you think a planning authority's overall performance should be reviewed and how do you think this should be carried out?</i></p>	<p>Every two years – Submission of monitoring data, but for all applications in a report format (As above)</p>
<p>11. <i>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?</i></p>	<p>Not enough suitable qualified staff – too many appeals etc.</p>

General

<p>12. <i>Do you support the principle of giving planning authorities sole responsibility to issue listed building consent for more straightforward applications? Please explain your answer.</i></p>	<p>Yes in principle – Although the worry is that currently Historic Scotland who are an independent body and consult with other professional bodies – such as Architecture and Design Scotland , currently have no axe to grind in relation to local politics, and can advise independently. They will be removed from the loop allowing the Conservation Department within the Local Authority, who are generally pro “status-quo” and against new development to become judge and jury.</p>
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