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Date	25 September 2009

Dear Sir

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.

Glasgow City Council recently participated in a pilot scheme in connection with the above, whereby certain types of application for works to Category B listed buildings were determined by the local authority without first having to notify Scottish Ministers of their intention.

In the City Council's view, this pilot scheme was a success and the Council would hope to participate in a future scheme based on the principles of the pilot. Having participated in the pilot scheme, the Council has already provided a significant amount of feedback prior to, during, and after the period of the pilot scheme, and at this stage there is nothing further that the Council wishes to add in this respect.

However, the Council has provided responses to the questions posed in the current consultation and these are attached. The Council is generally supportive of the scheme and hopes to be involved in future discussions to agree a final scheme of delegation once the current consultation process is complete.

I look forward to being advised of the outcome of the consultation in due course.

Yours sincerely

**Ruth Smith
Principal
Heritage & Design**

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**GLASGOW CITY COUNCIL
DEVELOPMENT AND REGENERATION SERVICES
229 GEORGE STREET
GLASGOW G1 1QU**

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.

Responses to Section 4: Consultation Questions

Background

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.)?

RESPONSE: Glasgow City Council participated in the pilot scheme.

Entry Criteria

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?

RESPONSE: Planning authorities should be able to demonstrate that they have appropriate policies and skills in place and have access to the necessary in-house conservation expertise. Policy guidance should be clearly set out and in line with national policy guidance.

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

RESPONSE: Agree

4 It is the 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 explain why.

RESPONSE: Agree

Scope of application types included

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

- anything else be included/omitted?**
- schedule 1 be extended to include Category A-listed buildings?**
Schedule1 be determined by exception rather than inclusion?

RESPONSE: The scope of applications identified in Schedule 1 is agreed. However, it is considered that identification by exception rather than inclusion would be simpler to operate. It is also considered that Schedule 1 could be extended to include category A – listed buildings if the handling of category B- listed buildings is proved to be successful over a suitable period of time.

Monitoring the scheme

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

RESPONSE: Yes

7 Do you think that planning authorities' decisions should be monitored as part of any future scheme?

Please explain why/why not

RESPONSE: It is considered that this should be carried out by random sampling rather than in every case. This approach would reduce associated time and paperwork.

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?

RESPONSE: It is considered that monitoring could also be carried out in other ways such as by external or local panels operating to a clear and transparent remit.

As stated in 7 above, sampling is considered appropriate. It is suggested that monitoring could be carried out on a six monthly basis. However, it is acknowledged that this may be required more frequently for other authorities that may have less available in-house conservation expertise. If a sample of cases is to be monitored, this should be done on a random basis. The kind of information submitted for monitoring should be the same as that provided for the pilot trial.

9 Do you think monitoring information for planning authority decisions on C(S)-listed buildings should also be included?

Please explain why/why not?

RESPONSE: Yes, it is considered that this information should be included as it provides an opportunity to demonstrate the quality and consistency of delegated decision making.

Review

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

RESPONSE: Glasgow City Council participated in the pilot scheme and as a consequence of the success of the scheme it is proposed to extend it to other planning authorities. The success of the pilot scheme demonstrates confidence in this authority's expertise and ability to manage such delegation. Consequently any scope for review for this authority should reflect this. However, for authorities not involved in the pilot and with less access to in-house expertise, review periods may be determined differently.

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

RESPONSE: Where decisions fail to comply with national and local policies without reasonable justification.

**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.**

RESPONSE: Glasgow City Council participated in the pilot scheme and considers that there are key benefits to such a scheme. In summary, the key benefits identified were that decisions were issued more quickly, duplication was removed, the scheme supported planning modernisation, and quality of decision making was maintained.