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Date: 21 October 2009

Dear Ms Murray,

CONSULTATION RESPONSE ON THE IMPLEMENTATION OF THE REMOVAL OF THE DUTY OF PLANNING AUTHORITIES TO NOTIFY HISTORIC SCOTLAND ON CERTAIN TYPES OF LISTED BUILDING CONSENT APPLICATION ON BEHALF OF HIGHLAND COUNCIL

I am responding to the above consultation on behalf of Highland Council, please accept my apologies for the late response, as explained due to a change in personnel it has taken some time to resume service to its full capacity. The response provided has been prepared to clearly follow the questions set by Historic Scotland.

Highland Council are a local planning authority who carry out all of the usual statutory functions associated with the planning service at local level including the determination of listed building consent applications.

In order to qualify for taking on the sole responsibility for determining listed building consent local planning authorities should have in-house conservation expertise. Training from historic Scotland should be in place to ensure that every planning officer in every local planning authority who apply for sole responsibility have been provided with basic training in conservation. This approach could support the CPD requirements of RTP1 and fulfil the capacity building role of Historic Scotland and ensure consistency of future decisions.

The criteria proposed following the study seems appropriate and suitably comprehensive. Local policy will be a key issue, strong policies on conservation are essential in both supporting the decision making process and demonstrating the local authorities commitment to conservation in the built environment.

It is of course essential that local authority policies on conservation should be in line with national policy however it may also be appropriate to consider that local policy should be specific to the local area rather than simply a regurgitation of the overriding national policies and principles.

It would seem from the details emerging from the pilot study that it would be simpler for LPAs to have a clear and definitive list of those applications which should still be notified to Historic

Scotland. It is considered that Category A listed buildings should remain unchanged ensuring that decisions for the internationally important examples of our historic built environment are taken following a partnership approach from all stakeholders.

Monitoring of cases will be essential in the future to ensure the continued protection of the historic environment and to identify training needs with LPAs. If monitoring information were collected twice yearly on a random basis i.e. a set number of cases are reviewed selected purely on application number and all information in relation to the given case be considered. This would include the review of all plans, reports, objection letters, decisions etc. The random approach to selection would ensure the emergence of a true picture of the success of LPAs in managing cases and the complete review approach would allow for the monitoring of the quality of information provided to support each case and inform the decision making process. The measure of success would inevitably rely on a number of factors including, the quality of information obtained by the LPA, the time taken to reach a decision, the quality of the decision reached and the end physical result for the given building.

It is considered that the monitoring system should include category C(s) buildings. Once a building is added to the statutory list it is covered by the same legislation and policies regardless of its categorisation. Therefore it is essential that LPAs demonstrate a consistent approach to the implementation of policy, guidance and legislation in the historic built environment. A lack of consistency or less stringent control for category C(s) listed buildings can and will result in serious erosion and loss of local identity and value within the historic built environment. The collective impact of this over time can and is devastating in the local context in terms of built heritage value, economic viability, aesthetic quality, local identity etc.

It is considered that the monitoring and review of applications on a six monthly basis will ensure that potential problems will be identified at an early stage. The applications could be reviewed/ monitored by a panel which includes representative from the LPAs as well as Historic Scotland. If there are concerns regarding the quality of decisions then LPAs should be offered further support and training and monitoring should be increased. If over a further six month period there is a lack of commitment or failure to improve the decisions then it would seem reasonable that the duty to notify on all applications should be reinstated by Scottish Ministers.

Assuming that suitable monitoring and criteria are in place the principle of the removal of duty to notify in specified circumstances would be an appropriate course of action for those local planning authorities that can demonstrate their competency in handling their listed building consent applications.

Yours Sincerely



Kerry Bennett
Conservation Officer