

**Murray V (Victoria)**

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**From:** DAVID MIDDLETON  
**Sent:** 24 September 2009 21:32  
**To:** Murray V (Victoria)  
**Subject:** Consultation on the Implementation of the Removal of Duty of Planning Authorities etc.  
**Attachments:** HS Response St Andrews Preservation Trust.doc; RESPONDENT INFORMATION FORM.doc

Dear Ms Murray,

The attached response to this consultation is on behalf of the St Andrews Preservation Trust. We have not sought to deal fully with all the issues raised, but only those of particular interest to the Preservation Trust.

David Middleton

Planning Policy Convener

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# St Andrews Preservation Trust

## Response to 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)?  
As current Planning Policy Convener in the St Andrews Preservation Trust, established in 1937 in "one of the most historic small burghs in Scotland" (Historic Scotland)

### Entry criteria

1. 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?

We consider it essential that staff should be qualified and experienced to exercise such decisions when delegated and to inform members of the important issues when a committee decision is required. Further, and as important, is the need for planning officers working in this area to specialise so that knowledge and experience can build up. We think that this can only be achieved by appointing suitably qualified planners with additional qualifications related to the historic environment, and giving them experience within a work environment which is supportive, enabling and provides adequate professional supervision from a suitably qualified and experienced senior officer. We do not think that such important work can be managed within a generic caseload, and would strongly recommend that suitably qualified and experienced specific conservation planning officers should be appointed to carry out these delegated functions. We consider that this should be a minimum standard for authorities who opt to undertake these responsibilities.

1. Do you agree with the criteria proposed following the pilot?

It is considered that capacity building in LA staff should precede delegation of any duties currently carried out by Historic Scotland, and that any efforts by local authorities to dilute the expertise needed for effective decision making in this area by having conservation planning staff deal with a wide range of planning applications should be avoided, as building up of expertise is vital if professional decision making is to be exercised to an appropriate standard.

1. 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.

Strongly yes.

### 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 if you could consider whether:  
anything else be included/omitted?

schedule 1 be extended to include category A-listed buildings?

No

schedule 1 be determined by exception rather than inclusion?

No comment

We would support the general provisions of the list of delegated functions and agree with further definition of certain types of applications which might still be required to be referred to HS. There would be merit in a gradual implementation of delegation to LA's by type of application, on a progressive programme so that delegation could be incrementally increased.

We are very aware of the culture change and implementation of new legislation which is currently taking up much energy in planning departments at present, and consider that total delegation at an early stage would inevitably lead to a lessening of standards. We agree with close monitoring by HS of planning outcomes. It is well established that pilot schemes give enhanced results by their very nature, and that implementation under normal conditions often fails to release the necessary resources and enhanced management oversight necessary, especially when there are resource constraints.

#### Monitoring the scheme

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

Yes, if the special attention given to pilot schemes by operational staff when under close scrutiny is taken into account and is not regarded as being the norm.

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

Absolutely essential if standards are to be evenly applied and maintained and confidence is to be built up in the new regime

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?

(a) Historic Scotland

(b) Initially all cases, and then when satisfactory standards are demonstrated, a sample.

(c) Monthly, but also subject to field work and discussion with the responsible officer, as a training aid.

(d) No comment

(e) The information submitted for the should be adequate if supplemented as in

(c) above. While understanding the need to maintain reasonable timescales for decision making, targets should be avoided, as in our experience this can lead to ill-considered decisions lacking proper consultation.

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

Please explain why/why not?

Yes. This is part of the total picture. Although "C" listed buildings may be less important in some respects, they deserve the same standard of decision making as "A" and "B" listed buildings. Our experience recently is that important community assets have been lost or degraded by lesser attention being given to buildings which are not in the top two categories.

#### Review

1. How regularly do you think a planning authority's overall performance should be reviewed and how do you think this should be carried out? Yearly
1. 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?

Yes – Failure to meet tightly-drawn minimum standards for good decision making in this field. We do not place the same importance on failure to meet targets for determination or other timetable issues.

#### General

1. 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, provided the safeguards noted above are reliably in place.

#### Additional

We do not consider that sufficient attention has been given to the role of local amenity bodies such as the St Andrews Preservation Trust in raising and maintaining effective decision making in regard to the historic environment. Such organisations usually have relevant local knowledge, historical records, and access to specialist advice, such as architectural historians and architects with knowledge and experience of conservation issues. Conservation organisations can provide a valuable source of information for local authority planners. Omission of these bodies as a potential resource gives us concern. Although not statutory consultees, Conservation Societies should be regarded in a similar light by planning authorities when making decisions about Scotland's historic heritage.

David Middleton  
Planning Policy Convener