



West Lothian

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Received 19/10/2009
Victoria Murray
Business Improvement Officer
Historic Scotland
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Dear Victoria

**PROPOSED JOINT WORKING AGREEMENT BETWEEN HISTORIC SCOTLAND AND WEST LOTHIAN COUNCIL
PILOT AND CONSULTATION ON THE REMOVAL OF THE DUTY TO NOTIFY HISTORIC SCOTLAND ON CERTAIN TYPES OF LISTED BUILDING CONSENT APPLICATIONS**

I am now in a position to advise you that West Lothian Council has now concluded its consideration of the above matters and I can report the following.

The council notes the outcome of the pilot scheme of listed building consent delegation.

The council accepts the principle of entering into a joint working agreement with Historic Scotland but wishes this to be progressed only after a review and updating of the relevant council policies, procedures and planning guidance. This would be based on a consideration of best practice elsewhere, benchmarking with other authorities, appropriate training for staff and elected members and liaison with Historic Scotland.

The council accepts the principle of the removal of the duty to notify Historic Scotland on certain types of listed building consent applications but with implementation only as part of a joint working agreement (which would require the above conditions) and the provision of appropriate resources from government.

The council offers the attached answers in response to the questionnaire.

The/

The council wishes to advise Historic Scotland of its broad concerns in relation to these matters and in particular its position that, from this council's viewpoint, the proposed joint working agreement and removal of the need to notify would do little to manage the historic environment more effectively and efficiently and would bring no benefits in casework handling performance.

Furthermore, the removal of Historic Scotland from the development management process for all but a small number of Category A listed buildings and the emphasis on local decision making without reference to the higher, expert authority carries dangers for the long term status of and, ultimately, the protection of the historic environment resource. The Category A resource in West Lothian is relatively small and does not carry any overwhelming burdens or issues that would merit readjustment of responsibilities to allow any closer attention from Historic Scotland.

There is concern that West Lothian would receive less input and support from Historic Scotland in general, in favour of the larger authorities where there are more listed buildings which consequently generate more (and often more complex) consent cases and where delivery performance has considerable room for improvement. Changes to help facilitate the protection of World Heritage Sites and strategic assessment of major developments in more highly sensitive areas elsewhere would be of little direct benefit to this council.

These concerns are expressed in the light of the removal and replacement of well tried and trusted government guidance (particularly the Memorandum) and national planning policy relating to the management of the historic environment, the absence of any accompanying resources from government and the implications of future budgetary restraint in relation to training and staffing.

The council does, however, recognise that the proposals are not without some potential benefits. They do encourage a fresh look at the council's own policies and procedures and can help in identifying room for improvement and development. The council would wish to embark on this in partnership with Historic Scotland.

The above matters will be subject to further discussion between Historic Scotland and council officials and I am glad to note that an early meeting date has already been set.

This letter has been copied to COSLA and Heads of Planning Scotland for their information.

Yours sincerely

A handwritten signature in black ink that reads "Stuart Eydman". The signature is written in a cursive, flowing style.

Dr Stuart Eydman
Senior Planner: Conservation and Design

Enc Questionnaire response

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)?

Answer:

Local authority, applicant, agent.

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?

Answer:

Adequate resources, including appropriately qualified and experienced staff.
Elected members trained in historic environment matters.
Appropriate policies and procedures based on accepted best practice.
Adequate guidance on historic environment matters from government.

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

Answer:

Yes, although each council area may have different issues and priorities which will merit special arrangements being established for each.

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.

Answer:

Yes

Scope of application types included

5. Do you think the scope of applications identified in Schedule 1 is appropriate?

Answer:

Yes, with reservations. Again, each council area may have different issues and priorities which will merit special arrangements being established for each.

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?
schedule 1 be determined by exception rather than inclusion?

Answer:

The scope needs to be flexible enough to respond to the needs, character and issues of each area. Category A buildings should not be included.

Monitoring the scheme

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

Answer:

Yes, but there should be consideration of the quality of decision making also. Also, the pilot period was too short for many meaningful conclusions to be drawn.

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

Please explain why/why not.

Answer:

Yes.

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?

Answer:

All cases should be monitored.

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

Please explain why/why not?

Answer:

All cases should be monitored.

Review

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?

Answer:

Annual

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?

Answer:

Serious or recurring failure to work or take decisions within the terms of the agreement. However, is it realistic to expect Historic Scotland to resume responsibilities previously relinquished in anything but the most extreme circumstances.

General

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.

Answer:

Yes, but subject to the answers above.