

Victoria Murray  
Historic Scotland  
Longmore House  
Salisbury Place  
Edinburgh EH9 1SH  
[Victoria.Murray@scotland.gsi.gov.uk](mailto:Victoria.Murray@scotland.gsi.gov.uk)

25 Sep 2009

Dear Victoria,

### **Consultation on the Removal of the Duty of Planning Authorities to Notify Historic Scotland on Certain Types of LBC Applications**

Thank you for the opportunity to comment on this consultation.

Built Environment Forum Scotland (BEFS) is a forum that brings together 23 non-governmental organisations – both professional and voluntary – that work within the built environment sector. The purpose of BEFS is to raise awareness of policy issues within the sector, encourage debate and share information, with a view to influencing policy and legislation.

In this response BEFS would like to draw attention to some general points, and refer to responses submitted by individual members for more detailed commentary.

#### **General Comments**

BEFS believes that the proposal to remove the of duty of Planning Authorities to notify Historic Scotland on certain types of Listed Building Consent is positive and can improve the management of Scotland's historic environment. It is advantageous if decisions on listed building consent applications can be speeded up without diminishing the quality of the decision and Historic Scotland's resources can be used more efficiently.

BEFS welcomes the approach to give Local Authorities the option to enter into this agreement, and the resulting democratisation.

BEFS does however want to highlight the importance of Local Authorities having to prove their ability to carry out this work to the same standard, or higher, as Historic Scotland before they are given sole responsibility to issue any listed building consents. While the planning authorities involved in the pilot study have a strong conservation ethos and skilled officers to implement it, the level of service provision in other Local Authorities is more variable. We suggest that Local Planning Authorities need to meet the following criteria:

- Access to adequate levels of qualified staff or advice;
- Suitable policies in place;
- Suitable procedures in place;
- Adequate monitoring system in place.

In line with this, we suggest that the tests suggested in appendix 10 of the Joint Working Agreement are amended as follows:

- signed up to this JWA;
- access to adequate specialist conservation advice;
- appropriate policies; and
- supporting robust processes to operate effectively.

We would like to highlight the importance of robust mechanisms for review and assessment. The performance of a Local Planning Authority should be reviewed annually and reports from Local Authorities to Historic Scotland should be published. Local Authorities should be required to notify Historic Scotland if there are changes during the course of an agreement period which may impact on the level of service offered.

We also ask Historic Scotland to provide guidance on how assessment of participating Local Authorities will be done. We recommend that this guidance is prepared before the approval of any applications to participate to ensure that Local Authorities are informed about what the assessment includes and that the necessary level of service has been put in place.

**In conclusion:**

BEFS can support the principle of giving planning authorities sole responsibility to issue listed building consent for more straightforward applications, if:

1. Adequate measures are in place;
2. Everything is done in a transparent manner;
3. There is a built-in mechanism for review of the performance of the participating Local Authorities.

In addition we also think it would be useful to review the outcomes of this scheme through a comparative study of the performance of both participating and non-participating authorities.

We hope these comments are useful – please get in touch if you require any further clarification. We would be grateful if you could keep us informed on the outcome of this consultation process.

Yours sincerely



Pernilla Rinsell  
Forum Co-ordinator

This document is supported by the following member organisations of BEFS:

Archaeology Scotland  
Architectural Heritage Society of Scotland  
The Association for the Protection of Rural Scotland  
Association of Preservation Trusts Scotland  
Institute of Field Archaeologists – Scottish Group  
Society of Antiquaries of Scotland  
The National Trust for Scotland