

About this survey

**Thank you for taking part in the consultation.**

**We are asking for your views on the content and functionality of two Managing Change in the Historic Environment Guidance Notes:**

- **Demolition of Listed Buildings**
- **The Use and Adaptation of Listed Buildings**

**Demolition of Listed Buildings**

**This guidance note will replace the detailed policies set out in the Historic Environment Scotland Policy Statement (HESPS), which is currently being reviewed and updated, and the existing guidance note on Demolition.**

**The Use and Adaptation of Listed Buildings**

**This new guidance note has been drafted with the aim of encouraging and promoting the continued active use of listed buildings.**

**These are two separate documents. We are consulting on them together as we want to encourage people to fully consider the options contained in the Use and Adaptation of Listed Buildings before considering demolition.**

**The survey asks 17 questions which can be reviewed in the following attachment before starting the survey. The survey takes around 10-15 minutes to complete.**

**You can view the survey questions in a PDF version before taking the survey below. [PDF, 127KB]**

**This consultation will close at 6pm on Friday 15 February 2019.**

**If you would like to speak with us about this consultation or if you have any questions, please contact us:**

- **0131 668 8716**
- **HMStakeholderEngagement@hes.scot**

## **Privacy notice**

Historic Environment Scotland (HES) are committed to protecting your personal data and your privacy. This privacy notice explains how we process any personal data we collect from you through this survey.

### **Personal data**

Personal data includes your name, or other information about you that could be used to identify you. In the case of this survey, we are not asking for any personal data but may ask for your organisation's name. This is optional.

We will not ask for any special categories (previously referred to as 'sensitive') of personal data.

The data we collect from this survey will be used by HES to inform the development of the two Managing Change in Historic Environment documents on Demolition of Listed Buildings and The Use and Adaptation of Listed Buildings.

### **Usage of personal data**

The legal basis we are using to process your data is Consent, where you give clear consent for us to process your data for the specific purpose explained above.

We limit access to your data to those HES employees with a business need to know. It will be processed confidentially for this specific purpose only.

### **Third party processing and security of personal data**

We require Survey Monkey, like all third parties, to respect the security of your personal data and only permit them to process your personal data in accordance with our instructions for a specified purpose. You can see more details on how Survey Monkey manage your personal data in their [Privacy Policy](#).

### **Storage of personal data**

HES will hold the information collected through this survey for a maximum period of 2 years. Information collected through this survey will be deleted from Survey Monkey servers after the survey closes, however may remain on backup servers for approximately 12 months.

You have the right to access your data, receive a copy of it, request corrections or removal and object to the processing of it. More information about your rights regarding the personal data we collect from you can be found in the [HES Privacy Notice](#).

### **Further information**

If you would like further information please contact the Data Protection Officer:

Telephone: 0131 668 8600

Email: [dataprotection@hes.scot](mailto:dataprotection@hes.scot)

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Background

**We are currently undertaking a review of the Historic Environment Scotland Policy Statement (HESPS).**

**The emerging new Historic Environment Policy will establish a series of principles and policies for the recognition, care, management and sustainable use of the historic environment.**

**The replacement to HESPS will be a shorter and more strategic document with less guidance related material. This means the detailed policies for demolition of listed buildings, currently in HESPS, will be removed from the new high level policy.**

**The new Historic Environment Policy will therefore need to be underpinned by detailed operational and topic specific guidance.**

**A range of guidance is currently published as part of the series of guidance notes called Managing Change in the Historic Environment. They are a material consideration in the planning system.**

**This consultation on the Demolition of Listed Buildings and The Use and Adaptation of Listed Buildings continues our commitment to updating the Managing Change in the Historic Environment series.**

About you

**To allow us to attribute your responses, please provide more information if you are responding on behalf of an organisation.**

1. Are you answering this consultation on behalf of yourself as an individual or in another capacity?

- As an individual
- On behalf of an organisation, public body or charity
- On behalf of a local authority
- As a private business, such as an architect or developer
- Representing a community group
- Other (please specify):

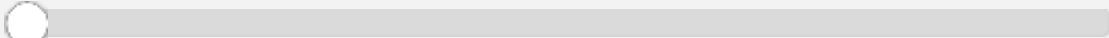
Demolition of Listed Buildings

**These questions relate to the Managing Change guidance note on the Demolition of Listed Buildings.**

**Download the draft document [PDF, 53.43KB]**

2. To what extent do you agree or disagree with the specific considerations outlined under the heading 'what to consider first'?

Strongly disagree                      Neither **agree nor** disagree                      Strongly agree



3. Please explain your answer to question 2:

Agreement is only partial as the hierarchy of: no-longer of special interest/ incapable of meaningful repair/ demolition essential to delivering significant benefits; is not sufficiently clear. Phrases like 'meaningful repair' are extremely subjective (the example of Glasgow School of Art would be pertinent). More information relating to specific considerations would be beneficial. Additionally there are no comments relating to which organisation/which skills are necessary to assess 'design failure' or 'irreparable structural damage', a user of the document may need that information. Whilst any economic benefit is described as 'significant' how that level is assessed? Where the balance lies between economic and community benefit is not clearly articulated.

4. Does the text provide sufficient clarity over when consent to demolish a listed building should normally be granted or refused?

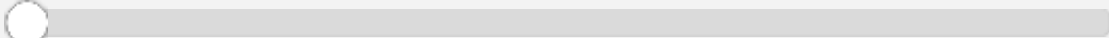
To an extent – however the legal consequences of demolition without consent should also be made explicit within the document. We acknowledge that prosecution levels are negligible – but lack of enforcement should not prevent the consequences of illegal actions being stated. (Mentioned with the awareness that there have been no prosecutions since 2002 -Lanrick Castle.)

As all decisions of this kind will be made on a case-by-case basis example scenarios would be useful.

5. Under the heading 'economic viability', the text says the demolition of a listed building should 'only be accepted where the application has demonstrated that all reasonable efforts have been made to find a scheme to retain the listed building. The efforts made should take into consideration the significance of the listed building.'

To what extent do you agree/disagree with this wording **XX**

Somewhat disagree



Somewhat agree: definition of 'all reasonable efforts' would be beneficial.

The demonstration of economic viability on demolition should require independent verification. Is there an implicit notion in the wording suggesting that buildings of greater 'significance' (Listing Category?) would be given greater levels of effort – regardless of other cultural and social importance attached to the building?

7. Does the text provide sufficient clarity as to the information required to support a demolition application?

Yes

No (please explain your answer)

A structure that enables process charts (what steps happen when, who is responsible, and where the documentation can be sought) would be extremely beneficial to aiding the end-user navigate through the process.

8. Does the document leave out anything that should be included?

No

Yes (please explain your answer)

Omission of references to new legislation around asset transfer and community ownership. Clearer definitions of what 'sufficient evidence' really is. Discussion of the deliberate neglect of listed buildings. Where does de-listing sit in this process? It would be a useful step to see clearly explained. Suggested timeline (fits in with suggestion of process chart) and suggested timescales.

All of the documents being consulted upon should be formatted the same way - either with/without paragraph numbers.

A structure to the document that also details - PURPOSE, POLICIES and OUTCOMES would be beneficial.

Along with that, diagrams explaining the hierarchy of legislation/policy/document would aid navigation through the issues and policies discussed within each document. PROCESS charts for each process - HES processes could be highlighted as appropriate therefore enabling the end-user to know which organisation/agency/authority they needed to contact for any particular part of the process. This clarity could be beneficial to all stakeholders and users.

9. Does the document include anything you think is unhelpful or unnecessary?

No

Yes (please explain your answer)

There are sections where the wording could still be applied with negative consequences for heritage. The mention of demolition in relation to projects which are part of 'wider strategies either at a national or regional level'- could be more clearly linked directly to the planning system with references to the National Planning Framework or National Infrastructure projects.

Concern can also be found with the significant growth/economic benefit model – there is no mention of on what timescale and who makes the judgements as to the extent of the 'benefit'.

This document also provides an opportunity to address some of the challenges around recording. There is appetite to see the current 'opportunity' to record strengthened to a requirement. Where HES cannot comply with a current instruction to record, a quicker response to enable other organisations (where capacity allows) to record would be appreciated.

The Use and Adaptation of Listed Buildings

**These questions relate to the Managing Change guidance note on The Use and Adaptation of Listed Buildings.**

**Download the draft document [PDF, 103.98KB]**

10. Do you think that the document promotes a positive case for the active use of listed buildings?

Yes

No (please explain your answer)

To an extent. The Section on Why the Use And Adaptation is important seemed to contain repetition and undermine some of the previous positive statements about reuse. The first two paragraphs of How to Secure the Continued [...] could be phrased more positively. Section could be more succinct overall.

11. We list five approaches to the adaptation of listed buildings to allow continued active use. To what extent do you agree or disagree with these approaches?

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
Minimal intervention					
Adaptation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extension					
Selective demolition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enabling					

Please explain your answers:

Adaption - does this include energy efficiency/greening? It should, as should all case studies, and the preamble. Meanwhile-uses should be included as one of the approaches to adaptation. Alongside 'mothballing'. Some seemingly unnecessary examples in several sections. The 'enabling' section seems weakest - there was uncertainty as to what this was intended to describe or how it may work. Overall there was a strongly positive feeling towards managing change effectively – this change can bring social, economic and heritage benefits. There was concern over the phrase 'the best use of a listed building is almost always going to be the one for which it was designed' which whilst perhaps ideal is no longer pragmatic and does nothing to help with the ongoing disposal of many large estates, be they local authority or ecclesiastic.

12. We will publish separately short case studies to help illustrate ways in which listed buildings have been successfully adapted. Do you have any examples that you would like us to publicise?

Case studies will be extremely useful. However how they can be searched will be the important aspect. I would suggest by building type, building age, building use (previous and future/current), type of adaptation (under the categories you have listed), and scale/breadth of change - these would all be useful for the end-user approaching this area.

13 Does the document leave out anything that should be included?

YES

The importance of conservation statements to inform change could be highlighted.

The importance of local authorities and their role is underplayed.

Clearer mention of various tools - eg Urgent Works Notices

Beneficial to mention that there can be concerns over small/incremental changes having a cumulatively greater effect over time.

Timeline of potential actions and stages to the process.

Process flow-chart showing the stages and choices possible throughout the process.



14. Does the document include anything you think is unhelpful or unnecessary?

No

Final questions

**These questions relate to both of the Managing Change guidance notes we are consulting on, and the wider series.**

15. Do you think separating these topics (Demolition and the Use and Adaptation of Listed Buildings) in separate documents is a good idea?

Yes

No (please explain your answer)

Clarity of cross-reference between the two would be a further positive addition. Separation enables the importance of adaptation and reuse to be emphasised which is extremely positive..

16. As we continue to develop our suite of guidance are there topic areas you would like to see covered?

Minimising risk to empty or underused buildings could be a more fully developed document.  
Grants  
Legal Responsibilities

17. Any additional comments?

The use and reference to BS 7913 as a British Standard for conservation of historic buildings would be useful within this document.

Appears to be a lack in that there are no explicit demand/requirements to quantify the conservation deficit. How this is demonstrated is left unclear.

All of the documents being consulted upon should be formatted the same way - either with/without paragraph numbers.

A structure to the document that also details - PURPOSE, POLICIES and OUTCOMES would be beneficial.

Along with that, diagrams explaining the hierarchy of legislation/policy/document would aid navigation through the issues and policies discussed within each document. PROCESS charts for each process - HES processes could be highlighted as appropriate therefore enabling the end-user to know which organisation/agency/authority they needed to contact for any particular part of the process. This clarity could be beneficial to all stakeholders and users.

These responses were informed by a BEFS workshop where views were gathered from the following organisations:

Society of Antiquaries of Scotland

ALGAO

CiFA

Archaeology Scotland

National Trust for Scotland

Scotland's Garden and Landscape Heritage

RSA - MCICH network

Church of Scotland - General Trustees

Heritage Trust Network

Architectural Heritage Fund

Architectural Heritage Society of Scotland

Historic Churches Scotland (formerly Scottish Redundant Churches Trust)

Cockburn Association

Landscape Institute Scotland

