Submission from Perth and Kinross Council

I refer to the call for submissions in respect of the above and would request that the following comments be considered as the response for Perth and Kinross Council:

The Bill provides the ability to exclude aspects of a statutory address from the designation of a listed building and to specify exactly which elements of a building are not protected. Listing only parts of a building could set an extremely undesirable precedent and this should only be used, if at all, in exceptional cases.

The Bill allows Ministers to make regulations specifying the persons required to be notified by HES and the LPA of any list compiled (of buildings of special historic or architectural interest) and also allows Ministers to make provision as to the form, manner and time in relation to such notification. In the 1997 Act it states all owners, lessees and occupiers should be informed and there was no time limit imposed. If the number of “persons” to be notified increases substantially then this could have implications on staff time and resources. The notification procedure at present (which the LPA has to carry out in its entirety) is already relatively onerous.

Provision is now made for appeals against inclusion in the list of buildings of special historic or architectural interest. This new provision should not impact upon local planning authorities particularly.

Section 22 in Part 6 provides the power to specify circumstances in which the Scottish Ministers are required to be notified where a planning authority is minded to grant listed building consent. There is no detail given. The delegated powers memorandum suggests that this level of detail is more appropriately left to regulations or directions “to deal with changing circumstances over time” and “the power would allow Scottish Ministers to vary the circumstances in light of future changes, for example to the capabilities and capacity of local authorities”. This is an important issue so presumably there will be full consultation with LPA’s before any draft regulations are produced.

Scottish Parliament questions in the Call for Written Evidence:-

In overall terms the creation of HES should help the new body to improve the overall management and promotion of Scotland’s historic environment. There is no certainty at this stage that the Bill will help LPA’s to better manage and promote Scotland’s historic environment, although the intention is that the new arrangements are more transparent and the ethos of HES will be more as a partner rather than an arbiter.

The functions proposed for HES appear to cover all the essentials.

In principle the Bill establishes a sound relationship between HES and other public bodies. However, as mentioned above, there are aspects which require greater clarity before any regulations are finalised.

Regards

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