

PE2105/K: Safeguard Scottish Listed Buildings at risk of unnecessary demolition

Petitioner written submission, 27 January 2026

Thank you for the Committee's ongoing consideration of SAVE Britain's Heritage's

Petition PE2105 to safeguard Scottish Listed Buildings at risk of unnecessary demolition.

We wish to offer the following comments in response to the Cabinet Secretary for Constitution, External Affairs and Culture's written submission dated 3 October 2025.

Expanded guidance and legislative review

We are pleased that guidance in the Building Standards Enforcement Handbook and Procedural Handbook will be expanded and urge that emphasis is explicitly placed on consulting conservation accredited engineers to ensure decision-making is informed and robust. We appreciate that there is currently a limited availability of engineers with specialist conservation knowledge, but we wish to highlight Professor Gordon Masterton's (Institution of Civil Engineers, Panel for Historical Engineering Works) submission to the Committee on 4 June 2025 that CARE panel numbers would increase significantly if this was incentivised, for example, through legislation.

Further to this, we understand that the research carried out by the Building Standards Division (BSD) to support this expanded guidance has now been concluded. We are concerned that this research has not been made public, and that BSD did not seek input from SAVE and, as we understand it, other heritage and conservation organisations and networks including Architectural Heritage Society of Scotland (AHSS) and the Built Environment Forum Scotland (BEFS). We consider that consultation with national and local heritage groups and experts is essential to ensure this process is fair and transparent. We ask that it is ensured that this consultation is carried out before the report's recommendations are enshrined in guidance.

We are mindful that BEFS, in a written submission dated 5 June 2025, state that "additional guidance may add unhelpful complexity to an already crowded landscape of policy and advice on planning". While we would welcome guidance which requires Local Authorities to consult CARE accredited structural engineers before carrying out demolition works, there is clear merit in Paul Sweeney MSP's suggestion on 18 June 2025 to the Committee that there is a need for more substantive action in the form of legislative review.

Serious concerns have been raised throughout the petition process, and we consider it would be a failure of process to dismiss the current legislation and guidance as adequately protecting Scotland's listed buildings.

A recently concluded FOI request to South Ayrshire Council concerning the demolition of the Category B-listed Ayr Station Hotel revealed that "between the date of the fire on 25 September 2023 and the date of the request of 19 December 2023, no further specific structural or condition reports were requested/instructed or provided to it". Our call for Scottish Government to set a minimum evidence requirement to prevent the unnecessary use of emergency safety powers to demolish listed buildings therefore remains urgent and necessary.

Prevention and enforcement action

The scope of this petition is to address a loophole in legislation whereby the emergency powers in the Building (Scotland) Act 2003 can allow for the demolition of listed buildings without sufficient evidence to justify the decision, in conflict with planning safeguards in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, we welcome wider discussion raised throughout the petition's consideration and in the Cabinet Secretary for Constitution, External Affairs and Culture's written submission that preventative and proactive, rather than reactive, measures are necessary to protect listed buildings.

The written submission from Renfrewshire Council on 28 March 2025 emphasises that councils require additional powers and support to utilise the enforcing powers in the 1997 Act. A review of this Act could therefore more broadly address failures in the system which results in neglected and deteriorated listed buildings, which are in turn more vulnerable to under evidenced and needless demolition under emergency powers.

Conclusion

We are grateful for the oral and written evidence from a number of stakeholders that has been provided throughout this process, including from Paul Sweeney MSP and representatives from engineering bodies and national heritage organisations. The widespread public support of over 4,000 signatures, when considered alongside these submissions, clearly evidences the need for stronger safeguards to protect Scottish listed buildings from unnecessary demolition.

Following the insightful process of the petition's consideration, we ask that the Scottish Parliament act upon the call for a legislative review of the 1997 Act, for example to require consultation with CARE accredited engineers, and to ensure that any decisions to demolish a listed building under emergency safety powers are transparently and robustly justified in structural terms.