

Briefing for the Citizen Participation and Public Petitions Committee on PE2105: Safeguard Scottish Listed Buildings at risk of unnecessary demolition, submitted by Lydia Franklin on behalf of SAVE Britain's Heritage

Background

Listed buildings: [Historic Environment Scotland](#) (HES), working on behalf of Scottish Ministers, maintains a list of historic buildings which are deemed worthy of statutory protection from unauthorised alteration, extension or demolition where this would affect their character as a building of special architectural or historic interest.

The term “building” is very broadly defined and can include structures as diverse as bridges, walls, pillar boxes, chimneys, statues, war memorials and mile posts. Listing always covers both the interior and exterior of a building.

To be listed, a building need not be functioning for the purpose for which it was originally intended: for example, a church may be listed even though it has been converted to a block of flats or a pub. Similarly, a building’s state of repair is not normally a relevant factor in HES’s consideration of its architectural interest or historical association. It only becomes a factor when the building’s condition has devalued the particular architectural or historic interest to the degree that it can no longer be regarded as special.

Demolition of listed buildings: Anyone wishing to demolish a listed building must first obtain listed building consent from the relevant planning authority, in addition to any other consents required for demolition.

Separate from the listed building system, local authorities are required by law to intervene where a building presents a danger to people in or about that building; to the public generally; or to adjacent buildings or places. A local authority must carry out work to prevent access to the dangerous building and any other areas that are in danger due to the state of the building. Where the authority considers that urgent action is needed to remove or reduce any danger, it can carry out any necessary work to the building. This can include demolition. Such action can be carried out without first obtaining the usual statutory consents.

The process to be followed by a local authority when dealing with a potentially dangerous building is set out in Chapter 10 of the [Scottish Building Standards](#)

[Procedural Handbook](#). Where a building is of a historic nature, the Handbook states that the local authority should consult Scottish Ministers, HES, the planning authority, and other relevant parties. Where time critical action needs to be taken, which precludes such consultation, the guidance states that:

“It is however still good practice to limit the action taken in relation to a historic building to the minimum needed to protect the public until the proper consultations have taken place.”

Government Action

The Scottish Government has not recently considered any changes to the system for managing dangerous buildings.

Scottish Parliament Action

To date, the Scottish Parliament has not considered this issue in any detail.

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12 June 2024

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