

Citizen Participation and Public Petitions Committee
Wednesday 11 February 2026
4th Meeting, 2026 (Session 6)

PE2105: Safeguard Scottish Listed Buildings at risk of unnecessary demolition

Introduction

Petitioner Lydia Franklin on behalf of SAVE Britain's Heritage

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to set a minimum evidence requirement to prevent unnecessary use of emergency public safety powers to demolish listed buildings.

Webpage <https://petitions.parliament.scot/petitions/PE2105>

1. [The Committee last considered this petition at its meeting on 18 June 2025.](#) At that meeting, the Committee agreed to write to the Cabinet Secretary for Housing and COSLA.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. COSLA contacted the clerks to advise that it does not have any further information available to add to the Committee's consideration of the petition.
4. The Committee has received new written submissions from the Cabinet Secretary for Constitution, External Affairs and Culture, and the Petitioner which are set out in **Annexe C**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial response to the petition on 8 July 2024.](#)
8. Every petition collects signatures while it remains under consideration. At the time of writing, 4,019 signatures have been received on this petition.

Action

9. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
February 2026

Annexe A: Summary of petition

PE2105: Safeguard Scottish Listed Buildings at risk of unnecessary demolition

Petitioner

Lydia Franklin on behalf of SAVE Britain's Heritage

Date Lodged

6 June 2024

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to set a minimum evidence requirement to prevent unnecessary use of emergency public safety powers to demolish listed buildings.

Background information

The emergency powers in the Building (Scotland) Act 2003 can, in our view, allow for the demolition of listed buildings without sufficient evidence to justify the decision. This is in conflict with planning safeguards in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The following policy controls are needed to address this loophole in legislation and to ensure listed buildings (LBs) are not exposed to unjust demolition:

1. Enhanced policy guidance on the minimum evidence and processes required by local authorities before making decisions on the demolition of LBs under emergency powers.
2. A mandatory policy requirement for local authorities to engage with conservation accredited engineers in all cases involving LBs.

Annexe B: Extract from Official Report of last consideration of PE2105 on 18 June 2025

The Convener: Agenda item 2 is consideration of continued petitions, the first of which is PE2105, which was lodged by Lydia Franklin on behalf of Save Britain's Heritage and calls on the Scottish Parliament to urge the Scottish Government to set a minimum evidence requirement to prevent the unnecessary use of public safety powers to demolish listed buildings.

We last considered this petition at our previous meeting, which was on 4 June 2025. At that meeting, we heard evidence from Hazel Johnson, director of the Built Environment Forum Scotland; Laura Shanks, chair of Local Authority Building Standards Scotland; and Professor Gordon Masterton, chair of the Institution of Civil Engineers panel for historical engineering works.

We are also joined online by our colleague Paul Sweeney MSP, a former member of the committee, who has taken an on-going interest in this petition. Good morning, Mr Sweeney. Before the committee considers how we might proceed on the basis of the evidence that we heard last week, I invite you to offer the committee your thoughts.

Oh, it seems that Mr Sweeney's connection has dropped—I saw his name on the screen in front of me and assumed that we had him. We are actively trying to get him back.

We will return to the petition later in the meeting, once we have Mr Sweeney with us again.

The Convener: We will return to PE2105. Good morning, Mr Sweeney. I think that your connection may have dropped. We had done the preamble and given you the big build-up. I then said to the world that we were about to receive the wisdom of Mr Sweeney, only to be met by a great big blank nothing. However, you are now with us so, without further preamble, would you like to give some thoughts to the committee before we consider how we might proceed on the back of the evidence that we heard last week?

Paul Sweeney (Glasgow) (Lab): I apologise to colleagues for the technical difficulties.

The evidence session that the committee had was extremely useful. It elicited a number of important points on the current deficiency in policy, most notably the lack of a requirement for local authorities' building standards and building control departments to engage the services of a conservation-accredited structural engineer when assessing the need to demolish a listed building or the extent to which it should be demolished.

It was clear from the evidence from the local authority representative that there is not the time pressure that might be assumed. Normally, with initial cordonning and so on, a significant period is available to do that assessment properly and thoroughly before coming to a considered view about what can and cannot be salvaged. Similarly, too

often, inappropriately qualified individuals are making those critical decisions, which have a permanent effect on the nation's heritage.

The purpose of the petition has been proven, and the need for the recommendations of the petitioner has been proven. I understand that Save Britain's Heritage has corresponded further with the committee, and it shared that correspondence with me. I associate myself with its comments. Save Britain's Heritage has offered to meet the committee, which might be a useful exercise to enable the committee to further understand its specific concerns.

Moreover, the general representation of the Convention of Scottish Local Authorities is that local authorities in Scotland are simply unable to effectively use many of the statutory provisions in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 due to a lack of resource and expertise. Clearly, further guidance and support are needed from central Government to give effect to the duties on local authorities with regard to preservation of heritage and giving best effect to enforcement action. There is also a need to update statutory guidance relating to the Building (Scotland) Act 2003 in relation to emergency powers and the use of dangerous buildings notices under sections 29 and 30: in the case of listed buildings or even buildings in conservation areas, an engineer who is accredited with the conservation accreditation register for engineers should be engaged prior to final decisions being made regarding what fabric can and cannot be retained. That would be useful.

Further engagement with COSLA to establish the real extent of the view of local authorities would perhaps be a useful measure. We had correspondence from Renfrewshire Council, and I certainly conveyed correspondence from Glasgow City Council. That is a widely held view across local authorities, so a COSLA planning representative might be a useful stakeholder to engage with. There is a clear need for legislative review and for the planning directorate to update guidance to further strengthen provisions in regard to protections for listed buildings.

That is my view on the matter, and I hope that the committee agrees.

The Convener: Do members have any comments or thoughts for reflection? We could certainly frame representation to COSLA in relation to the issue, but are there any other suggestions?

David Torrance: I wonder whether the committee would consider writing to the minister, highlighting the evidence that has been heard and seeking an update on the possible expansion of the listed buildings advice provided in the building standards enforcement handbook and procedural handbook.

The Convener: Together with the suggestion from Mr Sweeney that we engage with COSLA on the key issue that we felt was raised on the local authority aspect, are members content to keep the petition open and to proceed on that basis?

Members indicated agreement.

The Convener: Thank you, Mr Sweeney.

Annexe C: Written submissions

Cabinet Secretary for Constitution, External Affairs and Culture written submission, 3 October 2025

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

Thank you for your letter of 4 September 2025 to the Cabinet Secretary for Housing regarding Petition 2105 to safeguard listed buildings at risk from unnecessary demolition. You have asked for reflections on the issues raised at the evidence session on 4 June 2025 and an update on next steps in relation to providing expanded guidance on the Building Standards Enforcement Handbook and Procedural Handbook.

I am very aware of the need to conserve our historic buildings and want to ensure that we make the best use of current legislation and guidance to do so. However, where buildings do fall into a dangerous condition it is important that swift and proportionate action is taken to address public safety concerns.

I am aware of the close involvement in this work by my officials in Building Standards Division (BSD) and their discussions with Local Authority Building Standards Scotland (LABSS) on the use of statutory powers in the Building (Scotland) Act 2003 for dangerous and defective buildings. Earlier correspondence with the Citizen Participation and Public Petitions Committee, set out that the purpose of the Scottish building standard system is to protect the public interest, and that local authority enforcement powers include a duty to act immediately to remove the danger posed by a building that has fallen into a dangerous condition.

In response to the petition, BSD carried out research to establish different case studies illustrating how a local authority has resolved issues for a listed building when it has become defective or dangerous. The research project concluded in July 2025 and a full report is shared with the Committee members for their information. Examples of previous cases, provided by local authorities to support the research, indicated instances where their interventions had either been able to save the building or where partial or full demolition were the only options to remove the danger to public safety.

The case studies underline that no two scenarios are the same and that difficult decisions are often required. It is clear from the research that the decisions are made based on collaboration with the parties involved, whenever possible, and that professional advice from experienced structural engineers is central to the outcome for each building. The use of these emergency powers is the last resort and is only used when all other related legislation has failed to protect the building.

Enforcement powers under the Building (Scotland) Act 2003 are effective when dealing with dangerous buildings. Following the research, guidance in the Building Standards Enforcement Handbook and Procedural Handbook will be expanded to reflect recommended best practice as indicated by the project's findings. This work will be taken forward by my officials in Building Standards Division in the months ahead with involvement from LABSS and the Scottish Building Standards Hub to drive a consistent approach across Scotland.

The guidance will not recommend only using conservation accredited engineers to support decision-making as there are insufficient numbers of these engineers to serve need across Scotland. The lack of availability of this resource on a national basis would significantly hinder the local authority's ability to meet their statutory duty to act immediately to remove the danger posed in these circumstances. The research project found that structural engineers routinely consulted by local authorities, although not always conservation-accredited, possess the necessary expertise and experience to provide robust and reliable assessments. Their input has been shown to support sound decision-making in practice. In addition, suitably qualified architects and building surveyors will be able to give advice and guidance.

Prevention is key to save listed buildings from unnecessary demolition. Periodic inspections and repairs are essential to maintain these buildings in a good condition and reduce the risk of problems that may lead to their eventual loss. It is the owner's responsibility to maintain their building and avoid the need for expensive measures to protect the building from demolition. Preventative action at an early stage should identify where repair work can stop deterioration and avoid more costly repairs at a later date.

Owners have a clear responsibility to take a proactive approach through regular surveys, maintenance and inspections to plan for future repairs and meet their obligation to keep their building in a good condition. The use of competent persons to provide advice and undertake works is recommended and this may include the services of a conservation accredited engineer, or other professional, where appropriate.

Historic Environment Scotland (HES) provides advice to listed building owners and can provide up to £50,000 in interim grant funding for significant buildings at immediate risk of loss or damage. Other HES grant programmes are available to repair buildings, and can be found at: <https://www.historicenvironment.scot/grants-and-funding/our-grants/>. Inclusion on the Buildings at Risk Register, which is currently paused for further evaluation, is not a prerequisite for accessing financial assistance from HES.

The Planning (Listed Buildings and Conservations Areas) Scotland Act 1997 also has a statutory role in prevention. The 1997 Act provides powers that promote earlier actions by building owners with the aim of protecting listed buildings. These measures can be taken at a much earlier point before enforcement action under the Building (Scotland) Act 2003 becomes essential.

A Listed Building Repairs Notice can be served by a local authority when a listed building is in a state of neglect and work is required to bring the building back into a good state. If the owner does not carry out these works, then the process can lead to compulsory purchase. In addition, a Listed Building Urgent Works Notice can be served by a local authority to enable them to give seven days' notice to the building owner before carrying out work themselves to preserve a listed building. Amenity Notices can also be served by a local authority to improve the appearance of a building or land. A Building Preservation Notice can be served to provide protection for an unlisted building until HES considers whether to list the building.

Additional guidance from HES to support local authorities and planning authorities to handle these difficult situations will also be an important source of advice on avoiding demolition and enabling development. A focus on targeting reuse of buildings at risk

and the availability of funding support are part of the early and proactive approach to prevention.

In response to the points raised by Paul Sweeney MSP, we recognise the importance of ensuring that listed buildings are protected through effective use of existing statutory powers. The Scottish Government considers that the current legislative framework under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 provides planning authorities with a range of provisions to intervene where buildings are at risk. These include Building Preservation Notices, Repairs Notices, Urgent Works Notices, and, where necessary, compulsory purchase powers. Such provisions enable early and proportionate action to safeguard buildings of architectural or historic interest.

I consider that these provisions, when used proactively and in coordination with other statutory powers, including those under the Building (Scotland) Act 2003 where public safety is at risk, are sufficient to support the protection of listed buildings without the need for legislative review at this time. In particular, where a building is deemed dangerous under Section 29 of the 2003 Act, local authorities have a statutory duty to act immediately to remove the danger. In such cases, listed building consent under the 1997 Act is not required in advance, as the urgency of the situation takes precedence. Section 8(3) of the 1997 Act provides a statutory defence for works carried out without consent, provided they are urgently necessary in the interests of safety or health, limited to the minimum measures required, and the planning authority is notified as soon as reasonably practicable.

Where emergency works, including demolition in whole or part, are carried out without prior listed building consent under Section 29 of the Building (Scotland) Act 2003, listed building consent must still be obtained under Section 7(3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. In addition to seeking consent, the planning authority must be notified as soon as reasonably practicable, in accordance with Section 8(3). While the statutory defence may apply, it does not remove the requirement to regularise the works through the consent process. If consent is refused, enforcement action may be taken, including the requirement to reverse unauthorised works.

I trust the research report on the issues raised by the petition provide a helpful insight into the use of emergency powers under the Building (Scotland) Act 2003. My officials in BSD will work with LABSS and other partners to ensure the expanded guidance in the Building Standards Enforcement Handbook and Procedural Handbook address best practice and support consistent action to protect listed buildings from unnecessary demolition.

On reflection of the evidence and research, I am content that the Scottish building standards system, and its ability to deal with listed buildings which become dangerous, remains fit for purpose. However, I fully support the provision of enhanced guidance in the Enforcement Handbook and Procedural Handbook around best practice to ensure listed buildings, which form part of our cultural heritage, are safeguarded from unnecessary demolition wherever possible.

Yours sincerely,

ANGUS ROBERTSON

Petitioner written submission, 27 January 2026

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

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.