

# Removal of Duty of Planning Authorities to Notify Historic Scotland on Certain Types of Listed Building Consent Applications

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## Planning Committee 11 August 2011

### 1 Purpose of report

- 1.1 To inform Committee of the progress to date on the removal of duty to notify Historic Scotland on certain types of Listed Buildings consent applications.

### 2 Summary

- 2.1 Since 1 August 2010, the City of Edinburgh Council has had delegated authority to grant listed building consent for B listed buildings without notification to Scottish Ministers. The removal of the requirement to notify Ministers has had a positive impact on the Council's performance relating to listed buildings.
- 2.2 A monitoring scheme was agreed whereby 20% of all previously notifiable applications are submitted to Ministers every three months. The quality of decision making has not been questioned.

### 3 Main report

- 3.1 The Listed Buildings and Conservation Areas (Removal of Duty to Notify) (Scotland) Direction 2010, issued by Scottish Ministers, renders Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 non-applicable in respect of certain applications for listed building consent for B listed buildings. It requires the City of Edinburgh Council to notify Scottish Ministers (Historic Scotland) of decisions taken on those applications.
- 3.2 From 1 August 2010, the City of Edinburgh Council has been able to grant listed building consent to specific types of applications as detailed in the Direction without first giving Scottish Ministers the opportunity to decide whether or not they wish to call in the case for their own decision. The details of this operation were agreed in advance of the

Direction. Annex 1 contains the Direction from Historic Scotland and the description of applications to which Section 12 of the Act shall not apply. This scheme allows Historic Scotland to focus more resources in areas where they can add value to the development process.

- 3.3 The City of Edinburgh Council was one of three local authorities that piloted this scheme of delegated authority from 1 October to 31 December 2008. The pilot scheme improved efficiency in the handling of applications, although the preparation of a monitoring report for each application proved onerous. This was reported to Committee on 26 February 2009 with the recommendation that any monitoring should ensure that duplication of work is avoided. Subsequently, when Historic Scotland sought feedback on the scheme, Committee asked for a simplified method of monitoring.
- 3.4 Currently, 20% of all applications that were previously notifiable, and approved by the DM Sub-Committee, are submitted to Historic Scotland. They are forwarded, with details of the decision, a description of the proposal and a link to the application file on the Planning and Building Standards Portal. Historic Scotland has raised no concerns over the quality of the decision of any application notified.
- 3.5 Since 1 August 2010, the Department has processed a total of 330 applications for B listed buildings. Out of this total, 267 applications have been processed under delegated powers, and only 69 have been notified to Historic Scotland, due to the nature of the proposals. Under the agreed monitoring scheme 51 applications have been referred to Historic Scotland (from August 2010 to April 2011).
- 3.6 Between 1 August 2010 and 30 April 2011, 81% of all applications for B listed buildings were processed within the statutory two-month timeframe. This compares with a figure of 52% applications determined over the same time period in the previous year. An improvement of 29%. The number of applications determined within three months, which captures the 28-day referral period to Historic Scotland, has also reduced from 36% to 11%. This basic analysis indicates a marked improvement in performance.
- 3.7 Given the considerable statistical improvement in performance, and the fact that the quality of decision making has not been questioned by Historic Scotland, it is the Service's view that the increased delegation is working well and that the scope of the Direction could be extended to include a wider range of works applicable to category B listed buildings. There would also be merit in discussing with Historic Scotland whether the lessons learned from this approach could be extended to cover certain minor types of applications for works proposed to category A listed buildings.

## **4 Financial Implications**

- 4.1 There are no direct financial implications as a result of this working arrangement.

## **5 Equalities Impacts**

- 5.1 There is no direct equalities impact arising from this report.

## **6 Environmental Impacts**

- 6.1 There is no environmental impact as a result of the Direction due to the robustness of in-house policy and procedures.

## **7 Conclusions**

- 7.1 The removal of duty to notify Historic Scotland has led to increased efficiency in the processing of the majority of applications for listed building consent for category B listed buildings. Robust internal procedures ensure that the quality of decision making remains unaffected. This ensures that Historic Scotland can focus resources in areas where it can add value to the development process.
- 7.2 The success of the process suggests it could be extended to include other types of proposals to category B listed buildings and to minor proposals to category A listed buildings.

## **8 Recommendations**

- 8.1 It is recommended that the Committee:
- a) notes this report; and
  - b) asks the Director to discuss options with Historic Scotland to extend the scope of the Direction by increasing the description of applications for category B listed buildings, and to consider an agreed description of applications to category A listed buildings.

**Dave Anderson**  
Director of City Development

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Appendices 1. Historic Scotland description of applications to which Section 12 shall not apply

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Wards affected All

Single Outcome Agreement Supports National Outcome 1 - We live in a Scotland that is the most attractive place for doing business in Europe

Supports National Outcome 12 – We value and enjoy our built and natural environment and protect it and enhance it for future generations.

Supports Edinburgh Outcome – Edinburgh's natural and built environment is supported and enhanced.

Background Papers 1 Report to Planning Committee of 2 October 2008 on Changes to the procedures on notification of development proposals affecting B listed buildings - a Pilot between Historic Scotland and the City of Edinburgh Council

2 Report to Planning Committee on 26 February 2009 on Listed Building Pilot Delegation Scheme

**SCHEDULE 1**

**DESCRIPTION OF APPLICATIONS TO WHICH SECTION 12 SHALL NOT APPLY**

The descriptions of applications for listed building consent to which section 12 shall not apply are—

Any valid application for listed building consent for works to a category B-listed buildings which is received by City of Edinburgh Council on or after 1 September 2010 and which seeks consent for work described in paragraphs 1 to 8 below [as read with Notes 1 to 3 above.]

**External Works**

1. The alteration, replacement, removal or installation of:
  - external doors
  - gutters and downpipes
  - railings
  - windows
  - roof coverings
  - rooflights
  - stonework or masonry finishes
  - chimneys
  - steps and external stairs
  - ramps
  - external decoration
  
2. Single storey extensions where:
  - the floor area of the resulting building is up to 20m<sup>2</sup> greater than the original;
  - the height of the resulting building would be below the height of the highest part of the original; and
  - the development would be less than 4m in height.
  
3. Installation of:
  - modern fittings (e.g. aerials, alarm boxes, CCTV, plant ducts and associated fixtures);
  - utilities (e.g. electrics, gas, plumbing, telecommunications etc.); and
  - micro-renewables.
  
4. Alteration, replacement or installation of:
  - shopfronts;
  - awnings;



- ATMs;
- Signage; and
- Boundary walls and other boundary treatments.

### **Internal Works**

5. Subdivision of rooms
6. Creation of openings between rooms (excluding perforation of floor plates and ceilings)
7. Installation of modern fittings (e.g. suspended ceilings, kitchens, bathrooms, office furniture, bookcases etc.)
8. Alteration, replacement, removal or installation of:
  - floor surfaces and finishes;
  - doors and associated joinery;
  - shutters, pelmets and rods;
  - modern services (electrics, gas, plumbing, telecommunications etc.);
  - tiles;
  - chimney pieces/fireplaces;
  - decorative plasterwork;
  - decorative wall coverings, fixed tapestries and decorative paints (which form part of an architectural scheme);
  - built-in furniture (e.g. pews, wardrobes, cupboards); and
  - decorative timber joinery (e.g. panelling, dado rails, picture rails, skirting boards).