

REPORT TO: PLANNING & TRANSPORT COMMITTEE - 8 DECEMBER 2008

REPORT ON: A JOINT WORKING AGREEMENT BETWEEN HISTORIC SCOTLAND AND PLANNING AUTHORITIES IN RELATION TO CASEWORK AND CONSULTATION

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 583-2008

1 PURPOSE OF REPORT

- 1.1 To consider the above consultative report, agree the recommended response contained in Appendix 1 to this report and to issue the response to Historic Scotland by 28 January 2009.

2 RECOMMENDATION

- 2.1 It is recommended that the response outlined in Appendix 1 to this report be issued as the Council's formal response to Historic Scotland.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications directly arising from this report. However, any agreement negotiated with Historic Scotland would be dependant upon the availability of resources.

4 BACKGROUND

- 4.1 Historic Scotland has published a consultative report which sets out how the organisation can work with local authorities to manage Scotland's historic environment. Copies of the report have been circulated to Group Secretaries and to Councillor Borthwick.

- 4.2 The report firstly outlines the aims of a joint working agreement between planning authorities and Historic Scotland as being to:

- manage Scotland's historic environment effectively and efficiently;
- improve performance in handling statutory casework;
- empower planning authorities to provide advice and make decisions locally;
- add value to the development planning and management processes by encouraging planning authorities to engage Historic Scotland, where appropriate, and as early as possible;
- protect the outstanding universal values of Scotland's World Heritage Sites; and
- encourage partnership between Historic Scotland and planning authorities.

- 4.3 The draft then addresses three main themes: designations; development planning and development management and explains who is responsible for what and how local authorities and Historic Scotland should work together on each theme. In

addition, the draft sets out how more effective relationships can be built and maintained through strategic liaison.

- 4.4 Reference is made in the consultation document to the prospect for Historic Scotland and local authorities entering into Joint Working Agreements which will cover issues relating to the delegation of responsibility from Historic Scotland to Councils. Three pilot schemes are currently underway.
- 4.5 The report poses a series of 11 questions. These are outlined in the appendix to this report together with recommended responses.

5 CONCLUSIONS

- 5.1 The Council enjoys a positive working relationship with Historic Scotland and the Council will wish to ensure that this continues and is enhanced under any formal Joint Working Agreement.

6 POLICY IMPLICATIONS

- 6.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and Assistant Chief Executive have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 The following background papers have been referred to in the preparation of this report:

A Joint Working Agreement between Historic Scotland and Planning Authorities in Relation to Statutory Casework and Consultation (Draft Consultation Paper Historic Scotland, October 2008).

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12 November 2008

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Appendix 1

Question		Recommended Response
1	Do you consider that the Joint Working Agreement will be useful? Please explain why?	Yes. Dundee City Council and Historic Scotland continue to enjoy a positive working relationship. Formalising an agreed strategy for the benefit of the city's historic built environment should have the objective of further enhancing this relationship.
2	Paragraph 7 Are there are other areas besides those listed where Historic Scotland works with your local authority?	None
3	Paragraph 18 How effective are the current development plan consultation arrangements between Historic Scotland and your local authority? Can you suggest any improvements?	Paragraph 18 simply reflects the current situation with regard to consultation on Development Plans. Under the new Local Development Plan system introduced by the 2006 Planning Act there is no Consultation Draft Plan. This is replaced by a Main Issues Report (MIR) which focuses on the key issues that are changing from the last plan. In accordance with the principles set out in the Scottish Government's 'Delivering Planning Reform' it is expected that key agencies adopt a more positive approach in becoming engaged in the development plan preparation process at a much earlier stage.
4	Paragraph 36 Do you think Historic Scotland and local authorities should work together more closely to protect World Heritage Sites? If so, how would you suggest we do this?	The Council has no view on this matter as it has no experience in the protection of World Heritage Sites.
5	Paragraph 33 How should Historic Scotland help resolve issues where they have objected?	Historic Scotland should continue to provide advice and support to planning authorities where this would assist developers and architects before the formal referral stage is reached. This can help greatly in avoiding the delay and frustration caused by a Historic Scotland objection. This will ensure that all parties can agree on the information and analysis needed to reach a quick and sound decision. Historic Scotland should avoid formally objecting unless it is prepared to invoke "call-in" and all that this entails. Extensions of time and particularly where these are repeated can cause uncertainty and frustration for developers and local authorities.

Question	Recommended Response
<p>6 Paragraphs 24-39</p> <p>Do you think the current notification process could be improved? If so, how?</p>	<p>It is important that informal liaison and dialogue between case officers continues in order that issues raised at the notification stage are understood. The greater use of e-communications will greatly assist.</p>
<p>7 Paragraph 41</p> <p>Are there any other ways Historic Scotland and local authorities liaise at a strategic level? If not, should there be?</p>	<p>The list of ways in which Historic Scotland and local authorities should liaise at the strategic level is supported. However, it is important that the dialogue results in a committed action plan backed by resources for delivery.</p>
<p>8 Paragraph 42</p> <p>Do you think your local authority has the necessary expertise and policies to deal with development proposals relating to the historic environment without reference to Historic Scotland? If so, would you be interested in this should it be implemented?</p>	<p>The suggestion of a Scheme of Delegation whereby a Joint Working Agreement would be entered into between Historic Scotland and the Council in respect of casework is strongly supported. It is considered that the Council has the skills and commitment to make such an agreement work however. (See response to Q10 below).</p>
<p>9 Appendix 1</p> <p>Is the list of information required for consultations with Historic Scotland on proposals affecting the historic environment appropriate?</p>	<p>The list of basic submission requirements appears onerous for the bulk of applications for listed building consent which tend to be routine. For cases likely to be referred liaison between case officers at the preparation and submission stages can ensure that information appropriate to the proposal is submitted. Historic Scotland should clarify its policy in respect of requesting financial or economic justifications for proposals.</p>
<p>10 Appendix 3</p> <p>Do you agree with the definition of specialist conservation advice provided in Annex 3? If not, can you suggest how it should be changed?</p>	<p>The level of specialist expertise required of local authorities as signatories to Agreements requires further consideration by Historic Scotland (Appendix 3).</p> <p>The range of projects listed in Appendix 4 appears to substantially limit the involvement by Historic Scotland. The loss of caseworker advice on specialised/technical matters in all but the most complex of cases would be a backward step and should be resisted.</p>
<p>11 Appendix 4</p> <p>Which issues do you believe Historic Scotland should remain involved with and why?</p>	<p>Whilst it is considered that close liaison and dialogue between caseworkers should continue (see above) the Council agrees that for all listed building applications in respect of Categories 'B' and 'C' buildings should not be referred to Historic Scotland.</p>

Question	Recommended Response
	<p>Applications for Conservation Area Consent would not be referred. However, all applications involving the demolition or part demolition of any Category 'A' or 'B' buildings would be referred. Any alteration to a Category 'A' building would be referred.</p> <p>The precise scope of referral would be specified in the Council's Agreement with Historic Scotland following detailed discussion.</p>