

REPORT TO: CITY DEVELOPMENT COMMITTEE - 11 JANUARY 2010

REPORT ON: HISTORIC SCOTLAND JOINT WORKING AGREEMENT IN RELATION TO STATUTORY CASEWORK AND CONSULTATION

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 9-2010

1 PURPOSE OF REPORT

1.1 The purpose of this report is to seek approval for Dundee City Council to enter into Historic Scotland's joint working agreement in relation to statutory casework and consultations.

2 RECOMMENDATION

2.1 It is recommended that the Committee:

- a remit the Director of City Development to enter into a joint working agreement with Historic Scotland and Dundee City Council in relation to statutory casework and consultations, as outlined within Appendix 1.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising as a result of this report.

4 BACKGROUND

4.1 Reference is made to Report 583-2008 which went before the Planning and Transport Committee on 8 December 2008. This outlined the draft joint working agreement between Historic Scotland and Planning Authorities in relation to casework and consultation. On completion of the consultation process Historic Scotland produced the finalised document.

4.2 The finalised Joint Working Agreement was launched by Historic Scotland in July 2009.

4.3 Scottish Ministers have stated that they expect Planning Authorities and Historic Scotland to work in partnership to deliver their objectives for the historic environment as part of their commitment to supporting the modernisation of the planning system. In this context, the joint working agreement sets out the basis for an effective partnership between planning authorities and Historic Scotland.

4.4 Historic Scotland have identified the main aims of the Joint Working Agreement as:

- a managing Scotland's historic environment effectively and efficiently;
- b improving performance in handling statutory casework;
- c empowering planning authorities to provide advice and make decisions locally;

- d adding value to the development planning and management processes by encouraging planning authorities to engage Historic Scotland where appropriate and as early as possible;
 - e protecting the outstanding universal values of Scotland's World Heritage Sites; and
 - f encouraging partnership between Historic Scotland and planning authorities.
- 4.5 Appendix 1 contains the Joint Working Agreement document. The Working Agreement identifies the roles of both Local Authorities and Historic Scotland and addresses a number of main themes: designations, Development Planning and Development Management. The Working Agreement also establishes the requirements for consultation of casework to Historic Scotland.

5 POLICY IMPLICATIONS

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.

6 CONSULTATIONS

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

7 BACKGROUND PAPERS

- 7.1 Dundee Local Plan Review 2005.
- 7.2 Report 583-2008 - Planning and Transport Committee on 8 December 2008.

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Director of City Development

Ian Mudie
Head of Planning

IGSM/GK/KM

9 December 2009

Dundee City Council
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Dundee

APPENDIX 1

A JOINT WORKING AGREEMENT BETWEEN HISTORIC SCOTLAND AND PLANNING AUTHORITIES IN RELATION TO STATUTORY CASEWORK AND CONSULTATION

The Purpose Of The Joint Working Agreement

- 1 Scottish Ministers expect planning authorities and Historic Scotland to work in partnership to deliver their objectives for the historic environment as part of their commitment to supporting the modernisation of the planning system. In this context, the joint working agreement sets out the basis for an effective partnership between planning authorities and Historic Scotland.
- 2 The Joint Working Agreement is separate from the Single Outcome Agreement that planning authorities have with the Scottish Government. Its purpose is to set out how the outcomes relating to the historic environment will be delivered by planning authorities and how Historic Scotland will help with this.
- 3 The aims of the joint working agreement are 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.

Managing Change in the Historic Environment

- 4 The historic environment is a dynamic one and its conservation relies on carefully managed change based on an understanding of cultural significance. It is also an important resource which can only be sustained through careful management.
- 5 For this to happen effectively, planning authorities need to have clear policies for the historic environment, access to specialist advice on the historic environment and an understanding of how and when to involve Historic Scotland. This will allow Historic Scotland to devote more of its resources to providing support in other ways, for example through pre-application discussions where appropriate, best practice guidance notes and working directly on significant cases. The Scottish Historic Environment Policy (SHEP) provides a framework for the day-to-day work of organisations that have a role and interest in managing the historic environment. Appendix 1 sets out the national legislation, policy and guidance for proposals affecting the historic environment. Appendix 2 provides more information on specialist advice.

The Role of Planning Authorities

- 6 Planning authorities are central to the effective management of Scotland's historic environment. Their key roles are to set a local policy framework which accords with national policy and to implement this through their development management and related functions. To fulfil these roles effectively requires planning authorities to have access to appropriate specialist advice (see Appendix 2), be aware of current national policy and legislative provisions (see Appendix 1) and to have systems in place to ensure these are adequately considered in decision making.

The Role of Historic Scotland

- 7 Historic Scotland is an executive agency of the Scottish Government responsible for discharging Scottish Ministers' functions in relation to the historic environment and advising them on historic environment policy. All functions performed by the agency are carried out on behalf of Scottish Ministers.
- 8 In the context of this joint working agreement Historic Scotland's role covers four main areas of work:
- statutory designation;
 - development planning;
 - development management; and
 - general advice.
- 9 In addition to its statutory casework and consultation role, Historic Scotland liaises with planning authorities on issues relating to its properties in care, grants, technical publications and advice. Further information on this is set out in Appendix 3.
- 10 In addition, the UK Government is the State Party to the World Heritage Convention. Historic Scotland carries out this role in relation to World Heritage issues in Scotland, both ensuring that our World Heritage Sites comply with the requirements of the Convention and identifying possible new sites (see Appendix 4 for more information).

Designations

- 11 There is currently a range of statutory and non-statutory designations relating to the historic environment, each dealing with a different aspect. Appendix 5 sets out how Historic Scotland and planning authorities liaise when carrying out designation.

Scheduling

- 12 Scheduled monuments are nationally important monuments protected under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (1979 Act). Once a monument is scheduled it becomes an offence to carry out certain works to it without written permission from Scottish Ministers.
- 13 Historic Scotland is responsible for scheduling monuments and determining applications for scheduled monument consent on behalf of Scottish Ministers. The selection of

monuments is guided by the policies set out in the SHEP. Planning authorities have no formal role in this process, but may nominate sites to be considered for scheduling.

Listing

- 14 Listed buildings are buildings of special architectural or historic interest protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is an offence to carry out works affecting their character without listed building consent. Applications for listed building consent are determined by planning authorities.
- 15 Listing is carried out by Historic Scotland on behalf of Scottish Ministers. The selection of buildings for listing is guided by the policies set out in the SHEP. Planning authorities are consulted on listing proposals within their area, are able to propose buildings for listing and, where development proposals are more advanced, have powers to serve Building Preservation Notices on buildings they consider to be eligible for consideration for listing (Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997, Section 3 refers). Planning authorities must also notify every owner, occupier and lessee of any amendment adding or removing a listing for their property, as soon as possible on the required form (Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997, Section 2(2)(b) refers).

World Heritage Sites

- 16 World Heritage status is determined by the UNESCO intergovernmental World Heritage Committee, cultural nominations are normally prepared by Historic Scotland working closely with planning authorities. While no additional statutory protection applies, World Heritage status is a material consideration within the planning system and planning authorities who have such sites should have specific policies for their protection within their development plans (see Appendix 4).

Wrecks

- 17 Wrecks of historic, archaeological or artistic importance can be protected under Section 1 of the Protection of Wrecks Act 1973 (1973 Act). Historic Scotland identifies wrecks for protection under this legislation. The 1979 Act may also be used to designate wrecks in territorial seas (see Scheduling), if not already protected by the 1973 Act.

Conservation Areas

- 18 Conservation areas are areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Sections 61 and 64 refers).
- 19 Conservation areas are designated by planning authorities in consultation with local residents, occupiers and other interested bodies. Historic Scotland should normally be consulted on proposals to designate a conservation area and be informed when a conservation area is designated or the boundary is amended (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 61 and 62 refers).

Inventory of Gardens and Designed Landscapes

- 20 Sites included within the Inventory are defined as being of national importance. Where development is proposed on or near such a site, planning authorities should consult Historic Scotland and take account of the impact of the proposed development on the site (Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (SI 1992/224), Article 15 (1)(j)(iv) (from 3 August 2009 revoked (with savings) by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008/432); Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 2007 (SI 2007/4) refers).
- 21 Historic Scotland is responsible for compiling the Inventory on behalf of Scottish Ministers. The selection of Gardens and Designed Landscapes is guided by the policies set out in the SHEP. Planning authorities are consulted on proposed sites within their area and may nominate sites to be considered for Inventory status.

Local Historic Environment Designations

- 22 Planning authorities can also identify locally important archaeological sites, monuments and areas of historical interest, for example through Sites and Monuments Records. These can then be protected and managed through the planning process.

Development Planning

- 23 Planning authorities are responsible for preparing local development plans and strategic development plans (Planning etc (Scotland) Act 2006, Part 2 refers). Planning authorities should involve Historic Scotland when they bring forward local and strategic development plans and related documents. Engagement with Historic Scotland when a planning authority is preparing their Main Issues Report will mean that the agency can help planning authorities ensure that their plans properly reflect national planning policy and guidance in relation to the historic environment. It will also reduce the potential for challenge through the subsequent stages of development planning. In this way Historic Scotland's role can help authorities to ensure the historic environment supports wider land-use planning objectives.
- 24 Historic Scotland is a consultee for Strategic Environmental Assessment (Environmental Assessment (Scotland) Act 2005, Section 3(1) refers). Early engagement in the development planning process will ensure cultural heritage issues are adequately addressed.

Development Management

- 25 Planning authorities are responsible for dealing with most development management casework relating to or affecting the historic environment. Historic Scotland, on behalf of Scottish Ministers, has a formal role in this process which is established by statute (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 12, and Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (SI 1992/224), Article 15 (1)(j)(iv) (from 3 August 2009 revoked (with savings)) by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008/432) refers).

Requirements for Consultation on Casework

- 26 There are currently three main areas in which planning authorities must involve Historic Scotland before a decision can be issued - listed building consent, conservation area consent and planning permission.
- 27 Historic Scotland has put in place e-planning systems to allow it to receive e-consultations. Please see Appendix 6 for the address for hard copy consultations and contact details to arrange commencing e-consultation.

Listed Building Consent

- 28 Under Section 12 of the 1997 Act, planning authorities must notify Historic Scotland, on behalf of Scottish Ministers, where they intend to grant listed building consent. Under Circular 17/1987 this requirement relates only to Category A and B buildings and for the demolition of Category C(S) buildings (Scottish Development Department Circular No 17/1987: New Provisions and Revised Guidance Relating to Listed Buildings and Conservation Areas refers).

Conservation Area Consent

- 29 Section 66 applies section 12 of the 1997 Act which requires planning authorities to notify Historic Scotland on behalf of Scottish Ministers where they intend to grant conservation area consent for demolition.

Planning Permission

- 30 Under the current General Development Procedure Order (Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (SI 1992/224) Article 15(1), as amended by the Town and Country Planning (General Development Procedure) (Scotland) Amendment (No 2) Order 1994 (SI 1994/3293)) planning authorities must consult Historic Scotland on any development proposal which:
- may affect a scheduled monument or its setting; or
 - may affect a Category A listed building or its setting; or
 - may affect a site on the Inventory of Gardens and Designed Landscapes.

Involving Historic Scotland in Development Management Casework

- 31 There are three stages in the life of an application at which planning authorities may involve Historic Scotland in a proposal for change affecting a historic asset or its setting:
- pre-application;
 - during the assessment of an application; and
 - post-determination.

- 32 In addition, there is a separate process which authorities should follow when dealing with applications by their own local authority for listed building consent and conservation area consent. This process is set out in Appendix 7.

Pre-application Consultation

- 33 It is not always necessary for planning authorities to consult Historic Scotland at the pre-application stage. In most cases planning authorities are able to provide sound pre-application advice to owners or developers. In complex or significant cases however, there may be a role for Historic Scotland and the agency should be involved as early as possible. This will enable Historic Scotland to use its expertise to contribute to the development of creative solutions in the long term interests of the historic environment and the wider community.

Consultation During the Assessment of an Application

- 34 Planning authorities are required to consult Historic Scotland on behalf of Scottish Ministers on certain applications under the GDPO (Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (SI 1992/224) Article 15(1), as amended by the Town and Country Planning (General Development Procedure) (Scotland) Amendment (No 2) Order 1994 (SI 1994/3293).
- 35 Historic Scotland will provide a written assessment of the impact of the proposal on the listed building, scheduled monument or Inventory landscape, and where appropriate its setting, within 14 days of receiving the consultation. If the agency requires further time to consider the consultation an appropriate extension will be agreed with the planning authority. Where Historic Scotland formally objects to a proposal under the GDPO the agency will explain its reasons for doing so and, if appropriate, will set out how its objection can be overcome.
- 36 Planning authorities are not required to consult Historic Scotland on listed building consent applications until they are minded to approve them (see Post-determination Notification). However, where applications are more complex or raise significant issues, early consultation with Historic Scotland will allow it to provide planning authorities with advice to help inform their decision.
- 37 Where consulted, within 21 days of receiving the consultation Historic Scotland will aim to:
- provide a written assessment of the development proposal in light of the relevant national policy; or
 - contact the planning authority to agree any further action required for them to make their assessment, for example to arrange a site visit or request further information; or
 - confirm that the agency does not need to be involved in the case at the pre-determination stage.

The planning authority should take account of Historic Scotland's views in their decision.

- 38 Where Historic Scotland has concerns or formally object to a development proposal the opportunity exists to involve the agency in revising the proposal to overcome the objection.
- 39 Where development proposals are the subject of formal pre-application consultation under the Hierarchy (The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (SSI 2009/51) refers) and cultural heritage issues are identified as being significant, Historic Scotland should be involved at an early stage. This may also apply to those developments where an EIA is required (Environmental Impact Assessment (Scotland) Regulations 1999 and Environmental Assessment (Scotland) Act 2005 refers). Early contact is needed to establish if Historic Scotland can add value to the process.

Post-determination Notification

- 40 If a planning authority is minded to approve an application for listed building consent or conservation area consent they must notify Historic Scotland. On receipt of a formal notification from a planning authority, Historic Scotland will respond in one of two ways.

Formal Letter of Clearance

- 41 Where Historic Scotland is satisfied that the proposal does not raise any issues of significance the agency will send a clearance letter to the planning authority within 28 days of receiving the notification.

Confirmation of Extension

- 42 Where Historic Scotland consider that a proposal is unacceptable as presented and raises an issue of national significance, the agency will write to the planning authority explaining the reasons why it needs to extend its consideration of the proposal. In this letter the agency will give the timescale within which it intends to complete its assessment. If additional information is required before its consideration can be completed, the agency will set out the date by which this is required. Consent cannot then be issued by the planning authority until Historic Scotland has completed its assessment and written a clearance letter to the planning authority.
- 43 Where, having extended an application and carried out a further assessment, Historic Scotland considers that consent should not be issued, it will prepare a briefing for Scottish Ministers recommending the application be "called-in" for their determination. Scottish Ministers may accept this recommendation and written confirmation of the next step will be issued to the planning authority. Where Scottish Ministers do not accept this recommendation Historic Scotland will write to the planning authority confirming that they are now free to issue the consent.
- 44 Guidance on the information required for consultations with Historic Scotland on proposals affecting the historic environment can be found in Appendix 8.

World Heritage Sites

- 45 There is no legislative requirement for planning authorities to consult Historic Scotland on applications for planning permission purely because they lie within a World Heritage Site or impact on its setting. If, however, a planning authority believes that proposals

may threaten the authenticity and integrity of the outstanding universal value of a World Heritage Site it should seek the advice of Historic Scotland at an early stage.

Enforcement

- 46 Enforcement is an important element of development management and its effective use can contribute significantly to the proper management of our historic buildings and areas. Planning authorities are responsible for dealing with enforcement of unauthorised works under the Planning Acts. This includes listed buildings and conservation areas but not scheduled monuments or wrecks. Historic Scotland is able to advise on those cases which are within its locus and to provide support more broadly for authorities taking forward action in this area.

General Advice

- 47 Planning authorities are best placed to provide information and advice to local communities on works to listed buildings and within conservation areas. In addition, it falls to them to advise on the need for consent and to guide applicants on most proposals. Planning authorities should not normally need to seek general advice from Historic Scotland on these issues.
- 48 In considering more complex or significant issues it may be appropriate for planning authorities to seek general advice from Historic Scotland. In these cases Historic Scotland will endeavour to respond promptly to consultations and aim to deal with the majority of these within 21 days of receipt. For more information on what may constitute complex or significant issues please see Appendix 9.
- 49 In order to ensure a consistent standard of service Historic Scotland's responses will set out their locus in the case. Where appropriate, the agency will also provide an assessment of the impact the proposal will have upon the historic environment having regard to national policy and guidance.
- 50 Where there are issues that appear to a planning authority to be of more strategic significance, for example major developments within a World Heritage Site or a conservation area or proposals to masterplan areas within historic settlements, then Historic Scotland may be able to provide advice. In these circumstances, local authorities should approach Historic Scotland explaining what is proposed and what advice they are seeking (see Appendix 9).

Freedom of Information

- 51 Planning authorities and Historic Scotland are bound by the Freedom of Information (Scotland) Act 2002. The agency will therefore make all correspondence available to third parties if requested to do so, unless it falls within the exemptions outlined within the 2002 Act. For more information on Historic Scotland's approach to this please refer to the agency's Freedom of Information Policy 14 (www.historic-scotland.gov.uk/foi).

Strategic liaison between Historic Scotland and Planning Authorities

52 In addition to involvement in specific casework, Historic Scotland and planning authorities recognise the value of liaison on strategic issues. Historic Scotland and the planning authority should ensure that they:

- maintain a regular dialogue on wider historic environment issues;
- hold annual meetings to review the operation of the agreement and consider proposals for change; and
- examine ways to increase awareness of the historic environment among the planning authority's staff.

Removal of the Duty to Notify Scottish Ministers on Certain Types of Listed Building Casework

53 Section 55(2) of the Planning Etc (Scotland) Act 2006 (2006 Act) introduced the potential to extend the removal of the duty of planning authorities to notify Scottish Ministers on certain types of listed building consent applications, currently only in place for Category C(S) buildings (Scottish Development Department Circular No 17/1987 directed that applications for alterations or extensions to category C(S) listed buildings which are received by planning authorities on or after 1 January 1988 shall not be required to be notified to Scottish Ministers (then the Secretary of State) refers). Historic Scotland welcomes this opportunity to streamline the planning system and will work with planning authorities to implement a scheme where appropriate. The 2006 Act allows for separate schemes to be agreed with each planning authority according to their resources and needs. Any scheme which removed the duty to notify Scottish Ministers would be subject to the planning authority concerned being a signatory to the joint working agreement and having adequate resources and processes in place to deal with the casework (see Appendix 10).

APPENDIX 1

NATIONAL LEGISLATION, POLICY AND GUIDANCE FOR PROPOSALS AFFECTING THE HISTORIC ENVIRONMENT

Legislation

- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- The Town and Country Planning (Scotland) Act 1997.
- Ancient Monuments and Archaeological Areas Act 1979
- Protection of Wrecks Act 1973.
- The Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (SSI 1992/224). From 3 August 2009 revoked (with savings) by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008/432).
- The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 (SSI 1987/1529).
- Planning Etc (Scotland) Act 2006.

Policy

- Scottish Historic Environment Policy (SHEP).
- Scottish Planning Policy.

Guidance and Advice

- Historic Scotland's guidance notes on managing change in the historic environment.
- Planning Advice Note PAN 42: Archaeology.
- Planning Advice Note PAN 71: Conservation Area Management.
- Scotland's Listed Buildings (Historic Scotland 2006).
- Scheduled Monuments (Historic Scotland 2008).
- Historic Shipwrecks (Historic Scotland 2009).
- Scheme to Apply Listed Building Control to Exterior of Churches in Ecclesiastical Use (Historic Scotland, 2006).
- Technical Advice Notes (Historic Scotland, various).
- Guides for Practitioners (Historic Scotland, various).

- Inform: Information for Historic Building Owners (Historic Scotland, various)
- The Conservation of Architectural Ancient Monuments (Historic Scotland, 2001).

APPENDIX 2

SPECIALIST CONSERVATION ADVICE

Planning authorities deal with a range of development proposals which affect the historic environment. In preparing development plan policies and assessing development proposals they should ensure that they have access to the appropriate expertise. Broadly, this will cover both archaeology and buildings issues but may include landscape, gardens, marine, urban design and other aspects relevant to the conservation of the historic environment.

There are many ways in which planning authorities can ensure that they have access to such expertise. These include employing specialists, such as archaeologists and/or conservation officers, to handle or provide comments on development applications and prepare policies for the local development plan; training development planning and development management staff to deal with such issues; using specialist external consultants or establishing shared services with adjoining planning authorities. The key issue is that whatever model is chosen it delivers the right advice and supports the best outcomes for the historic environment.

Generally staff employed in this area should be qualified in a relevant profession; have undertaken an appropriate postgraduate conservation course and be a member of the Institute for Archaeologists (IfA) or Institute of Historic Building Conservation (IHBC) depending on the role they are expected to fulfil. Where existing staff have developed a sound understanding of historic environment issues based only on experience this will also be recognised.

In addition to this it is recommended that authorities have access to an up to date historic environment record, such as the Sites and Monuments Record or equivalent.

APPENDIX 3

OTHER AREAS OF HISTORIC SCOTLAND LIAISON WITH PLANNING AUTHORITIES

Technical Conservation Group

Technical Conservation Group (TCG) seeks to inform and sustain the conservation, repair and maintenance of the built environment. It seeks to achieve this by:

- undertaking technical and scientific research;
- supporting the perpetuation and understanding of traditional building skills;
- understanding and promoting the use and availability of traditional building materials;
- provision of specialist technical and scientific advice;
- provision of applied specialist conservation services; and
- delivery of technical education and outreach activity.

TCG is producing a Technical Research Strategy which will inform both technical research and educational activity. Planning authorities will be consulted on this strategy and have an opportunity to contribute to it. Delivery of technical and education projects will draw on the expertise and experience of planning authorities where appropriate. TCG currently provides specialist technical advice and also technical seminars for planning authorities across Scotland on topical technical issues, and will continue to do so in partnership with Historic Scotland's Inspectorate.

For more information about TCG's work please phone 0131-668-8668.

Properties in Care

Historic Scotland manages an estate of 345 properties across Scotland, and liaises with planning authorities where appropriate. Further information on Historic Scotland's properties in care can be accessed at www.historic-scotland.gov.uk.

Investments and Projects Team - Historic Building Repair Grants

Historic Scotland provides financial assistance to owners of historic buildings to meet the cost of high-quality repairs using traditional materials and specialist craftsman; in order to conserve original features in buildings of special architectural or historic interest. In return, owners must insure and maintain the building and allow some access to visitors. Local authorities are open to apply for grant support for properties in their ownership. No assessment of financial need is made during appraisal of the applications, but grant support to councils is restricted to 25% of the eligible works costs. Local Authority applications are processed in exactly the same manner as any other.

Conservation Area Regeneration Scheme (CARS)

This is a £16m programme, run over an 8 year timeframe, which seeks to encourage heritage led regeneration in conservation areas throughout Scotland. It is run in conjunction

with local authorities, and there are currently 28 projects throughout Scotland, including Kilmarnock, Kelso, Wick and Stornoway.

As part of the Scottish Government drive to empower local decision making the CARS is a fully devolved funding programme, which enables local decisions to be taken as to the best use of funding that is allocated.

Funding is allocated for 4 primary purposes:

- to undertake repairs to key buildings within the conservation area;
- to offer a small grants programme to home owners and shopkeepers to enhance their properties;
- to carry out public realm works; and
- to provide education and training in a range of historic environment opportunities.

Town Schemes

Town Schemes are run jointly with 7 local authorities throughout Scotland, and they allow owners to apply for grant assistance for minor repairs to properties situated within conservation areas from a common pot managed by the local authority.

In order to run a Town Scheme each council bids for grant monies at the start of a financial year and then match funds Historic Scotland's level of funding.

During the year Historic Scotland acts in an advisory capacity for the scope of works and provides 25% of grant-eligible costs to applications that have been accepted by the council and Historic Scotland.

The application must adhere to the Town Scheme conditions set by the council and Historic Scotland, before it is put forward to the agency for advice. Once the application has been received by Historic Scotland it is reviewed and comments or conditions can be attached to the grant offer. Photographs are submitted of the completed works, which are signed off on site by the local authority.

City Heritage Trusts

City Heritage Trusts were created in 2003, and since then all six Scottish cities (Aberdeen, Dundee, Edinburgh, Glasgow, Inverness and Stirling) have received grant funding from Historic Scotland towards carrying out repairs to the historic fabric of each conurbation. This programme is run in conjunction with the local authority and provides another example of where Historic Scotland is devolving grant giving powers to local decision makers.

Each Trust operates with a Board, made up of a mixture of council representatives and local interested parties, who identify the priority areas and assess grant applications to deal with these.

A City Heritage Trust operates as a separate entity from both the council and Scottish Government, but is beholden to its funders.

Grant offers are made to the City Heritage Trust on a three year rolling system by both the council and Historic Scotland, and this funding covers both revenue and capital costs.

Thatched Building Maintenance Scheme

Historic Scotland provides grants to owners of traditional thatched buildings towards meeting the cost of maintaining the thatched roof structure.

Historic Scotland allocates an annual budget of £45,000 to this grant scheme. The administration of the scheme is devolved to Highland Council and Comhairle nan Eilean Siar (Western Isles Council) who have respective annual budgets of £10,000 and £30,000 although they are to consult Historic Scotland prior to making a grant offer towards projects where works cost more than £10,000.

To enable us to process grant applications from owners of thatched properties in all other local authority areas, they must first be counter-signed by the planning/development officer to confirm that the materials proposed for the thatching repair are traditional to the area.

Doors Open Day and Buildings at Risk

These are programmes of work which the Scottish Government funds through a third party, namely the Scottish Civic Trust. There are some elements of overlap with local authorities but these processes are managed by the Voluntary Sector body, and are thus outwith the control of central grants.

Archaeology Month

As above, this programme is funded through the Voluntary Sector Grants Programme and in this case it is managed by Archaeology Scotland.

For more information on Historic Scotland's grant schemes please call: 0131 668 8801

APPENDIX 4

WORLD HERITAGE SITES

World Heritage Sites are designated by the UNESCO World Heritage Committee as being of outstanding universal value under the terms of the Convention for the protection of the world cultural and natural heritage (the World Heritage Convention). They are deemed to be sites of such importance that they belong to all the peoples of the world, irrespective of the territory on which they are located.

Inscription is a high accolade but it brings responsibilities. Under the convention State Parties are expected to ensure “the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage situated on its territory.” To guide State Parties in meeting this obligation the World Heritage Committee has produced Operational Guidelines for the implementation of the World Heritage Convention.

In the UK the Department of Culture, Media and Sport (DCMS) acts as State Party. However, in Scotland most of this responsibility rests with Scottish Ministers. In practice, World Heritage Sites are protected through the planning system and their protection therefore falls to the relevant planning authority. Scottish Planning Policy provides that World Heritage Site status is a material consideration in determining planning applications and that they should be the subject of a specific planning policy within a clear planning policy framework such as a development plan or supplementary planning guidance.

Under the Operational Guidelines developments which have the potential to impact on the outstanding universal value of a World Heritage Site must be notified to the World Heritage Committee. This is done by Historic Scotland through DCMS. Historic Scotland would therefore be happy to provide advice on any significant development within or affecting a World Heritage Site. Any local authority which has a World Heritage Site within its area, should therefore agree the level of consultation that would be appropriate with Historic Scotland to ensure the effective management and protection of the Outstanding Universal Value of the site.

APPENDIX 5

DESIGNATIONS - HISTORIC SCOTLAND AND PLANNING AUTHORITY LIAISON

Historic Scotland and planning authorities are responsible for a range of statutory and non-statutory designations as outlined in paragraphs 11-22. In exercising these responsibilities it is important that Historic Scotland and planning authorities work in partnership. This appendix gives an overview of how this will happen.

Historic Scotland will discuss its future designation programmes with planning authorities as part of its regular liaison meetings. Planning authorities are encouraged to make Historic Scotland aware of any particular pressures or issues which may assist the agency when setting the priorities for area-based or thematic designation work. Planning authorities will identify and notify Historic Scotland of potential candidates for designation at the earliest opportunity.

As part of the designation process, planning authorities and Historic Scotland will share information held on the historic environment. Historic Scotland will continue to make designations available in electronic format (see below). Planning authorities will make the lists for their Council area available for inspection as required by Section 2(4) of the 1997 Act.

Historic Scotland will consult with planning authorities as part of the designation process and take account of these views in reaching a decision. When consulted, planning authorities will make Historic Scotland aware of any current planning consents or applications relating to the site or structure proposed for designation.

Further information on designation can be found on:

www.historic-scotland.gov.uk/index/heritage.htm and in the following publications:

www.historic-scotland.gov.uk/scheduled-monuments.pdf

www.historic-scotland.gov.uk/historic-shipwrecks.pdf

www.historic-scotland.gov.uk/scotlands-listed-buildings.pdf

www.historic-scotland.gov.uk/listing_proposal_form_updated.pdf

To view or download designation information please see:

Scheduled monuments:

www.historic-scotland.gov.uk/index/heritage/searchmonuments.htm

Listed buildings:

www.historic-scotland.gov.uk/index/heritage/historicandlistedbuildings.htm

Gardens and Designed Landscapes:

www.historic-scotland.gov.uk/index/heritage/gardens/gardenssearch.htm

www.historic-scotland.gov.uk/index/gardens/gardenssearch/gardens-inventory-documents

Designated Wrecks:

www.historic-scotland.gov.uk/index/heritage/wrecksites/scotlands-historic-wrecks.htm

World Heritage Sites:

www.historic-scotland.gov.uk/index/heritage/worldheritage/world-heritage-sites-in-scotland.htm

Geographic information data for all designations:

<http://hsewsf.sedsh.gov.uk/pls/htmldb/f?p=500:1:3972560081244137>

To also see information on the undesignated historic environment:

www.pastmap.org.uk (a joint initiative between Historic Scotland and the RCAHMS).

APPENDIX 6**ADDRESS FOR HISTORIC SCOTLAND CONSULTATIONS**

Historic Scotland is committed to reducing the need for paper based consultation wherever possible. As part of this, the agency has put in place the systems necessary to receive and send consultations electronically (e-consultations). If you want to consult Historic Scotland electronically on listed building consent, conservation area consent and planning permission, please call 0131-668-8716 or e-mail hs.inspectorate@scotland.gsi.gov.uk to set this up.

Please send hard copy consultations on listed building consent, conservation area consent and planning permission to:

Historic Scotland's Inspectorate
Room 2.31
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

APPENDIX 7

PROCESS FOR HANDLING APPLICATIONS MADE BY LOCAL AUTHORITIES

If a local authority wishes to carry out work to a listed building or demolish a building within a conservation area which is in its ownership, it must first gain consent from Scottish Ministers. In these cases, it is Historic Scotland who is responsible for issuing listed building consent and conservation area consent on behalf of Scottish Ministers.

The procedures for submitting, advertising and determining applications made by a planning authority should be the same as those for applications by others. However, when considering works to a building, local authority departments are encouraged to:

- seek early confirmation of the need for consent from their Planning Service;
- involve the Conservation Officer or equivalent as early as possible when considering any works to a listed building in council ownership; and
- involve Historic Scotland as early as possible when considering complex or significant works to a listed building in council ownership.

When submitting an application to Historic Scotland, the level of information required should be as set out in Appendix 8. Historic Scotland will acknowledge receipt of the application and confirm the timescale for issuing a decision.

When Historic Scotland has reached a decision it will issue this in writing, setting out any conditions considered appropriate.

APPENDIX 8

GUIDE TO THE INFORMATION REQUIRED FOR CONSULTATIONS WITH HISTORIC SCOTLAND ON PROPOSALS AFFECTING THE HISTORIC ENVIRONMENT

In order to be able to assess any development proposal affecting the historic environment effectively and efficiently it is important that certain basic pieces of information are provided. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 9(2) refers) and the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 (Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 (SI 1987/1529), Regulation 3(1) and (2) refers) set out the information an applicant should include in a listed building or conservation area consent application, this includes any information the planning authority needs to enable them to determine the application. The planning authority should advise applicants and agents on the type and amount of information needed, which will vary according to the kind of development proposed, but in most cases the following will be required:

- application forms;
- a site plan to a scale of at least 1:2500;
- accurate, existing and proposed scale drawings comprising, where appropriate, relevant elevations, plans and sections;
- a statement of significance which demonstrates an understanding of the historical, archaeological or architectural interest of the site;
- a statement outlining the impact of the works proposed upon the special interest of the building; and
- Design and Access Statements as appropriate.

Drawings should be at a sufficient scale to show the impact of the proposals on the building, landscape or monument and its setting, usually 1:50. Larger scale drawings should be provided for detailed elements such as windows and door joinery, decorative plasterwork, ironwork etc. Plans, elevations and sections as existing should clearly indicate areas proposed for down-taking or demolition.

In addition, and depending upon the nature of the proposals, it may be helpful for applicants to submit the following:

- photographs showing the site, its context and the area of proposed change;
- perspectives, photomontages, models or computer visualisations to show the impact of new works; and
- landscape works, to include contours and planting schemes.

Demolition

Where the proposal involves the demolition of a listed building or an unlisted building in a conservation area, a statement of justification should be provided. This should set out the applicant's case based on one or more of the following:

- where the applicant believes the building is not of sufficient interest to be listed or, in the case of an unlisted building, fails to make a positive contribution to the character of the conservation area, a statement outlining the evidence to support this assertion should be provided;
- where the applicant believes the building is incapable of repair, a detailed survey should be provided highlighting the issue(s) which cannot be resolved;
- where the applicant believes that the building is capable of repair but that this is not economically viable to achieve, a detailed survey should be provided together with a priced schedule of works for the repair of the building and evidence of the value of the building once repaired. In addition it will normally be important to show that the building has been marketed for a reasonable period, normally not less than 6 months; and
- where the applicant believes that the replacement scheme offers significant community benefits a statement should be provided which explains the nature of these benefits and how they cannot be realised if the building is retained.

Further guidance on this is set out within the SHEP and related Historic Scotland guidance.

APPENDIX 9

WHAT CONSTITUTES A COMPLEX OR SIGNIFICANT ISSUE?

Planning authorities are able to deal effectively with most casework relating to the historic environment. Only where there are more complex or significant issues should it be necessary to involve Historic Scotland. In considering when to involve Historic Scotland planning authorities should decide when its advice on certain issues would add value.

Such issues should include:

- demolition of buildings;
- substantial alteration of Category A or B listed buildings;
- development affecting a scheduled monument;
- significant development within an Inventory landscape; and
- significant development within the setting of a Category A-listed building or a scheduled monument.

In addition, though not within their statutory locus, Historic Scotland may also usefully advise on:

- significant development within or affecting a world heritage site;
- major developments within a conservation area;
- buildings at risk; and
- local development strategies and briefs.

APPENDIX 10

WHAT DO PLANNING AUTHORITIES NEED TO DO TO DEAL WITH MORE HISTORIC BUILDING CASEWORK?

The opportunity to approve listed building consent and conservation area consent applications without first notifying Historic Scotland on behalf of Scottish Ministers now exists. To take advantage of this opportunity, planning authorities must be able to demonstrate that they have:

- signed up to this Joint Working Agreement;
- access to specialist conservation advice;
- appropriate policies; and
- supporting processes to operate effectively.

The success of removing the duty to notify will rely on ensuring that the quality of decision making is maintained. To realise this Historic Scotland will work with planning authorities to monitor and review the decisions taken on an annual basis. Whilst individual decisions will not be reversed, should an authority be unable to operate effectively without notifying Scottish Ministers, then Scottish Ministers could require notification to resume.

It is not mandatory for planning authorities to deal with more historic building casework without notifying Scottish Ministers. However, if they wish to do so then the terms for removing the duty to notify Scottish Ministers will be agreed with Historic Scotland on an individual basis. Historic Scotland's Principal Inspectors in the relevant area teams can provide planning authorities with more information. Their contact details can be found on Historic Scotland's website at www.historic-scotland.gov.uk/index/contact_us.htm.