

Review of Historic Environment 1: Listed Buildings

1. Introduction

- 1.1 This purpose of this paper is to review Supplementary Guidance Historic Environment 1: *Listed Buildings (SG HE1)* to assess how it meets national policy requirements in view of any changes in local context. In addition, it will consider whether SG HE1 continues to provide an effective policy and suitable basis for determining development proposals that directly or indirectly impact on or affect the setting of a listed building.

2. Policy Approach

- 2.1 SG HE1 currently encourages the protection, maintenance, enhancement, active use and conservation of all listed buildings specified in the list of *Buildings of Special Architectural or Historic Interest* for Aberdeenshire. The policy acknowledges the value of listed buildings as an irreplaceable resource that make a valuable contribution to the townscapes of Aberdeenshire and can stimulate enjoyment of the wider environment and act as an important medium for education, recreation and tourism.
- 2.2 The policy stipulates that planning permission or listed building consent will be refused for the demolition or any other development proposal that will have an adverse impact on the character, quality or setting of a listed building.
- 2.3 Alterations or extensions to listed buildings may be permitted where they respect the existing character of the structure or building and are of the highest quality in terms of scale, design and materials. In addition, the proposed alterations must be fundamental to the use of the listed building without affecting its historic character or setting.
- 2.4 The reasoned justification refers to Historic Scotland's Scottish Historic Environment Policy (which was updated in 2011) and its associated guidance notes. It states that Historic Scotland will be notified should the planning authority recommend the approval of works affecting a category A or B or for the demolition of a C(S) listed building. In these circumstances, the authority will aim to consult Historic Scotland at the earlier stage in these circumstances and also seek the views and advice of other relevant parties such as the Architectural heritage society where appropriate.

3. Background

National context

- 3.1 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (which is subject to amendments by the Historic Environment (Amendment) (Scotland) Act 2011) is the core legislative context that governs the management and protection of Scotland's listed buildings. It underpins national policy guidance which is provided through Scottish Planning Policy along with Historic Scotland's Scottish Historic Environment Policy (SHEP). Historic Scotland has also produced the 'Managing Change in the Historic Environment' guidance note series which is also required to be taken into account by planning authorities.
- 3.2 SHEP states that 'Listing is applied to afford protection, where possible, to buildings of special architectural or historic interest for future generations'. It further outlines that lists are intended to guide the work of planning authorities

by identifying buildings and structures of special interest that should be more carefully managed and protected. Essentially they 'inform development, provide awareness of value and character and support the planning process' (SHEP, 2011).

- 3.3 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires local authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (SPP, 2010) when assessing a development proposal. The Act requires local planning authorities to notify Historic Scotland/Ministers of all demolition applications for all categories of listed building as well as proposals for the alteration or extension to category A and B listed buildings. Section 12 of the 1997 Act has now been amended by the Listed Buildings and Conservation Areas (Removal Of Duty To Notify)(Scotland) Direction (March 2011) which allows local authorities to determine certain types of application for Category 'B' listed buildings without the need to formally notify Scottish Ministers.
- 3.4 SPP further states that any proposed changes to a listed building should be managed to ensure the continued protection of its special characteristics whilst allowing it to be actively used. It also advises that the layout, siting, design, materials and scale of any proposed development which may affect a listed building must be compatible with its character and setting and that there 'is a presumption against demolition or other works that will adversely affect a listed building or its setting' (SPP, 2010).
- 3.5 SPP also acknowledges the role of enabling development in retaining listed buildings. It considers this to only be suitable where it is the only means for restoring and retaining a listed building.

Strategic/regional context

- 3.6 The current draft of the Aberdeen City and Shire Strategic Development Plan does not refer to listed buildings specifically, however does acknowledge that '*Sites and areas valued for their contribution to the built and historic environment are just as sensitive and should be protected from the negative effects of development*'.
- 3.7 It also stipulates that Local Development Plans and associated guidance should therefore ensure that '*the North East's natural environment and historic sites and buildings continue to be protected and improved*'.

4. Drivers of Change

- 4.1 There is currently extensive legislation and national guidance in place to ensure the continued protection and enhancement of listed buildings. Under the legislation, planning authorities must adhere to the procedures in place such as notifying Historic Scotland in relation to specific applications, to ensure the continued protection of listed buildings. This principle has not changed and remains a core action outlined in SG HE1.
- 4.2 SHEP was updated in 2011. However, it introduces no significant amendments which would affect the application of SG HE1. National legislation regarding listed buildings continues to provide a stringent and robust framework which ensures that listed buildings are appropriately protected and managed through the development plan. SG HE1 reflects the core principles outlined in the

national legislation and guidance and adheres to the procedures they have implemented such as the notification of any planning proposals affecting a listed building which the planning authority is minded to approve.

- 4.3 Enabling development is highlighted in SPP, however is dealt with under separate supplementary guidance (SG Enabling Development 1: Enabling development). However it may be useful for greater clarity, for it to be cross-referenced in SG HE1.
- 4.4 National policy plays a more central role with regards to how planning affects and interacts with listed buildings. Therefore, in the absence of any major change to the fundamental principles and procedures of managing and protecting listed buildings, it is not considered that an amendment to SG HE1 is required.

5. Recommendations

- 5.1 On the basis of this information it is considered that SG HE1 is a robust policy which is consistent with national legislation and guidance. It is therefore recommended that SG HE1 is retained as it currently stands subject to the following minor amendment:
 - Reference is made to associated policy SG Enabling Development 1 in the reasoned justification.

6. Summary of Main Points

- 6.1 SG HE1 aims to protect buildings listed in the statutory list of *Buildings of Special Architectural or Historic Interest* in Aberdeenshire. The policy encourages the protection, enhancement, conservation and enjoyment of all listed buildings and will not permit any development proposals which would adversely affect the integrity of such buildings or their surroundings. SG HE1 only permits the alteration or extension of a listed building where it will conserve or enhance the character of the building and is done with the utmost sensitivity in terms of scale, design and materials. The policy refers to the Scottish Historic Environment Policy (2011) for more detailed guidance regarding listed buildings. Scottish Planning Policy encourages the continued protection of listed buildings and any proposed amendments should not affect the special characteristics of the building. In addition, there should be a presumption against demolition or any works that will adversely affect a listed building or its setting.
- 6.2 In the context of listed buildings, there is a robust national policy framework in place that prescribes how listed buildings will be protected and managed. This has therefore provided the core basis for which the Local Development Plan is considered to comply. In the absence of any significant changes to national legislation and guidance, it is recommended that SG HE1 is retained as it currently stands subject to the minor amendment to refer to SG Enabling Development 1 in the policy.

References

Aberdeen City and Shire Strategic Development Plan Authority (2013) *Draft of the Strategic Development Plan*

Aberdeenshire Council (2012) *Aberdeenshire Local Development Plan 2012*

Historic Environment (Amendment) (Scotland) Act 2011

Historic Scotland – *Managing Change in the Historic Environment Guidance notes*

Historic Scotland (2011) *Scottish Historic Environment Policy*

Listed Buildings and Conservation Areas (Removal Of Duty To Notify)(Scotland)
Direction (22nd March 2011)

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Scottish Government (2010) *Scottish Planning Policy*