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DEMOLITION OF LISTED BUILDINGS & USE AND ADAPTATION OF LISTED BUILDINGS

CONSULTATION ANALYSIS & REPORT
APRIL 2019

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Thanks to the individuals, organisations and others who took the time to respond to this consultation and to staff at Historic Environment Scotland who provided input and offered advice as part of this analysis.

INTRODUCTION

Background to the consultation

In 2016, Historic Environment Scotland committed to a review and replacement of the Historic Environment Scotland Policy Statement (HESPS). This was an interim document which was put in place when HES was formed, having itself formed an integral part of our predecessor organisations' policy framework for the past 15 years.

Building upon the findings of the What's Your Heritage? project, we held conversations with stakeholders on how to take this forward. We undertook an initial consultation on our approach to the review and replacement of this policy in May 2018 and more recently held a public consultation on a draft policy document between 10 September and 3 December 2018. The new policy, called the Historic Environment Policy for Scotland (HEPS), will be adopted on 1 May 2019.

Revised operational information and guidance has been developed alongside the new policy document. As part of this process, we held a consultation to gather views on the content and functionality of two new Managing Change in the Historic Environment Guidance Notes on **Demolition of Listed Buildings** and **The Use and Adaptation of Listed Buildings**.

Demolition of Listed Buildings will replace relevant detailed guidance set out in HESPS, and the existing guidance note on Demolition. The Use and Adaptation of Listed Buildings will be a new guidance note encouraging and promoting the continued active use of listed buildings.

These guidance documents are intended to be used by anyone involved in the decision making process, as well as people interested in and impacted by the outcome of those decisions. They should be read alongside the new Historic Environment Policy for Scotland.

What is the purpose of this report?

The purpose of this report is to outline the findings of the consultation exercise on the proposed new Managing Change Guidance Note for the Demolition of Listed Buildings and the Use and Adaptation of Listed Buildings. The report also explains how we have taken these views into account when finalising these documents.

The first part of this report (A) analyses and summarises the views expressed during the public consultation that took place between 13 December 2018 and 15 February 2019. The second part of this report (B) describes what changes we have made in light of this feedback.

The following chapters document the substance of the analysis and present the main views expressed in responses. The consultation questions are included in Appendix 1.

PART A – CONSULTATION ANALYSIS

1. APPROACH TO CONSULTATION

1.1 How did we distribute and advertise the consultation?

The consultation was distributed as an online survey consisting of 17 questions. The survey was hosted on SurveyMonkey. A list of the questions asked is provided in Appendix 1.

A notification about the survey was sent to:

- Existing contacts of those already engaged with the What's Your Heritage? project and the policy review process
- National Parks and Local Authority Development Plan team mailboxes
- Public bodies and agencies
- The Built Environment Forum – who circulated amongst their members and included in their newsletter
- The improvement Service who circulated to Heads of Planning
- HES colleagues for circulation to their contacts

The consultation was also promoted on social media (LinkedIn and Twitter) and was available to view on the current consultations section of the HES website.

1.2 How did we encourage participation?

Those notified about the consultation were encouraged to complete the online questionnaire hosted by SurveyMonkey. The survey was also provided in other formats upon request (e.g. as PDF and Microsoft Word documents). A reminder to complete the survey was issued shortly before the consultation closed.

We promoted the consultation during the course of our engagement with stakeholders in other contexts. Discussions were also held with a number of consultees and interested parties before the consultation period. We also engaged directly with the Scottish Property Federation and Scottish Borders Council during the consultation period.

1.3 How did we analyse the responses?

Comments given in response to each question were examined and main themes, similar issues raised or comments made in a number of responses, were identified. In addition, we looked for sub-themes such as reasons for opinions, specific examples or explanations, alternative suggestions or other related comments.

Some questions contained an agree/disagree scale tick box option to allow respondents to indicate their response (typically ranging on a 5 point scale from strongly agree to strongly disagree). Results from these questions are presented in graph format. Where respondents did not use the questionnaire format for their response but indicated within their text their answer to one of the closed questions, these have not been included in the

relevant count. However, these responses have been included in the analysis of responses as part of the review and editing process.

2. EXECUTIVE SUMMARY

This section describes how many responses were given to the consultation, respondent group information and a summary of views expressed. This includes a combination of statistical information and emerging key themes.

2.1 How many responses did we receive?

We received 54 responses from the online survey. These are the figures for the number of people who took the survey. It should be noted that not all respondents answered every single question. On average, each question was answered by 32 and skipped by 22 respondents.

11 responses were out with the consultation questionnaire. These were written comments related to aspects of the questionnaire: some addressed specific questions, some were in the form of tracked changes to our document, and others were comments on the document in general/as a whole. These additional responses have not been included in the statistical analysis below. However, these responses were read and comments considered when finalising the documents – the general themes in these responses generally matched those from the online survey.

The online survey included a list of organisations and individual groups, and respondents were asked to tick the group most appropriate for themselves or for their organisation. This was to allow us to see which groups were responding to the consultation.

As can be seen in the following table, the groups with the largest number of respondents to the online survey were individuals, followed by organisations and local authorities / national parks.

Respondent group	No. of responses	Percentage of responses
Local authority / National Park	11	20%
Organisation, public body or charity	16	30%
Private business, such as architect or developer	5	9%
Not disclosed	2	4%
Individuals	18	33%
Community Group	1	2%
Other	1	2%
TOTAL	54	100%

While the consultation gave all those who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, any figures quoted here cannot be extrapolated to the wider population.

2.2 What did people say?

The following paragraphs highlight the main themes that emerged in relation to each question posed in the consultation document.

Overall, there appears to be a clear need for policy guidance and there was no significant criticism of us producing specific guidance on Demolition of Listed Buildings and the Use and Adaptation of Listed Buildings. Key themes that arose through the comments on the consultation are summarised below.

- Respondents generally felt that the text for both draft documents required more **clarity**. Their status and how they fit into the broader policy landscape could be made clearer, as could the roles and responsibilities of HES and planning authorities. Also noted were: need for additional reference to other HES departments such as Designations and Grants; improved layout and visuals; and better definitions for the terminology used.
- As to how the **documents work alongside the overarching Historic Environment Policy Scotland**, respondents generally felt that they works well, although there were some comments on some inconsistency in wording, uncertainty as to the status of this document in relation to HEPS, and a need for clear sign-posting to allow readers to navigate between the various documents, and to understand the policy hierarchy.
- Most respondents agreed with the **specific considerations** of the Demolition of Listed Buildings document, but some suggestions were made to improve and strengthen it, which would align it better with other HES policy documentation.
- There was a strong agreement with the wording under the '**economic viability**' heading of the Demolition of Listed Buildings document. Suggestions regarding the text and scope of this section were put forward. This included a glossary or better and more consistent definition of key terms (significance / meaningful repair / reasonable effort); the use of infographics to explain processes; reference to making changes to marketing periods and minimum criteria agreements; and cross-referencing to other documents so that it is easy for readers to navigate between the various policies.
- On whether the Demolition of Listed Buildings document left out **anything that should be included**, a large proportion of the respondents commented. There was some confusion about what relevant information should be incorporated and where, including repetition of comments to previous questions
- Most respondents generally agreed the Use and Adaptation of Listed Buildings document **promotes a positive case for the active use of listed buildings**. It was also noted that a better case needs to be made for improving energy efficiency and adapting for climate change.
- On the **five approaches to the adaptation of listed buildings to allow continued active use**, most agreed with the principles for adaptation and that the document provided sufficient information on the approaches. However it was proposed that further guidance was needed surrounding the topic of enabling development. Case studies to demonstrate various scenarios were suggested. Other comments pertained to information which rests in other guidance, such as grant advice.

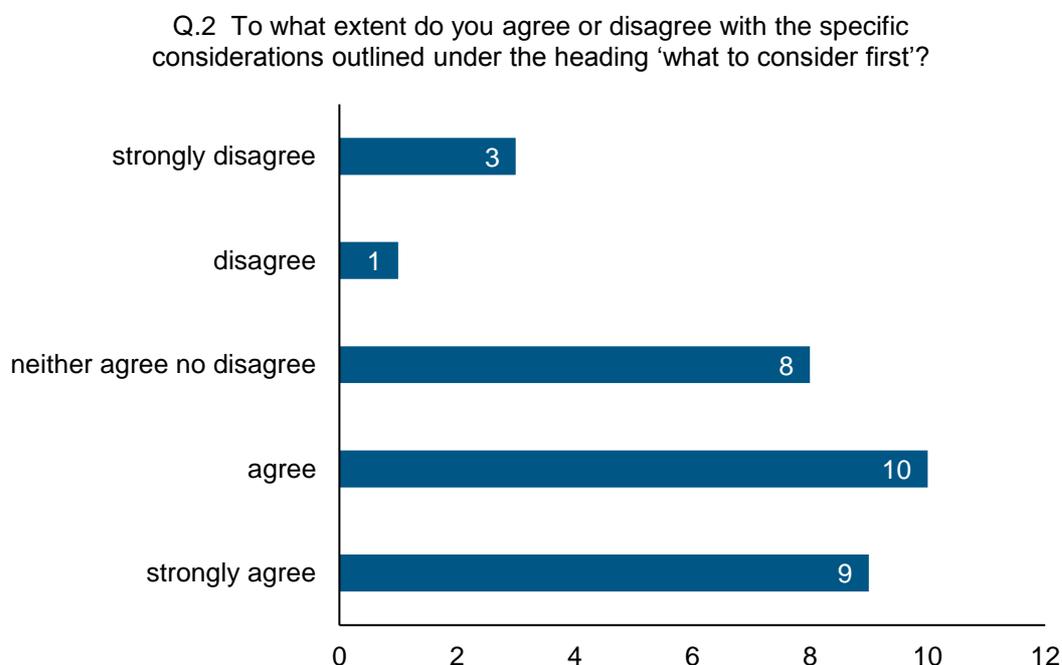
- On whether the Use and Adaptation of Listed Buildings document left out **anything that should be included**, a large proportion of the respondents commented. The general theme of the responses were the need: for clearer language, explanations and decision making; more advice on conservation statements and level of information required; more guidance on community and other collaborative partnerships; more case studies.

3. ANALYSIS OF RESPONSES

Question 1 related to personal information about those completing the survey (name, organisation etc.) and was summarised in 2.1. Questions 2-9 were related to the Managing Change Guidance Note for Demolition of Listed Buildings. Questions 10-15 related to the Managing Change Guidance Note for the Use and Adaptation of Listed Buildings. Question 16 asked respondents to provide suggestions of relevant topics for future policy guidance (Managing Change). Question 17 was open to provide additional general comments on both draft documents.

3.1.1 Question 2 invited respondents to comment on the specific considerations outlined under the heading **'what to consider first'**. They were invited to indicate to what extent they agreed or disagreed (strongly disagree, disagree, neither agree nor disagree, agree, strongly agree).

The graph below, which removes those who expressed no view, indicates that the majority of respondents agreed with the specific considerations:

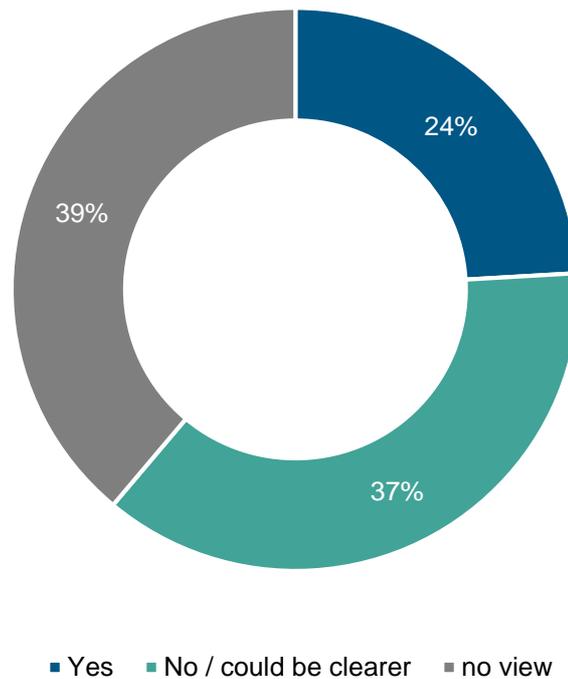


3.1.2 In Question 3, participants were asked to explain their answer for Question 2. In general the majority of the answers addressed language and clarity of terminology, the clarity of process and steps to take, and provided suggestions to improve the structure of the document or specific edit recommendations. Some respondents commented on the need to better define statements such as 'meaningful repair'; to better explain the process

of review when considering special interest, including adding flow charts and a section on planning authority powers.

3.2.1 Question 4 asked if the **text provided sufficient clarity** over when consent to demolish a listed building should normally be granted for refusal. Just under 40% of respondents considered that text did not provide sufficient clarity.

Q.4 Does the text provide sufficient clarity over when consent to demolish a listed building should normally be granted or refused?

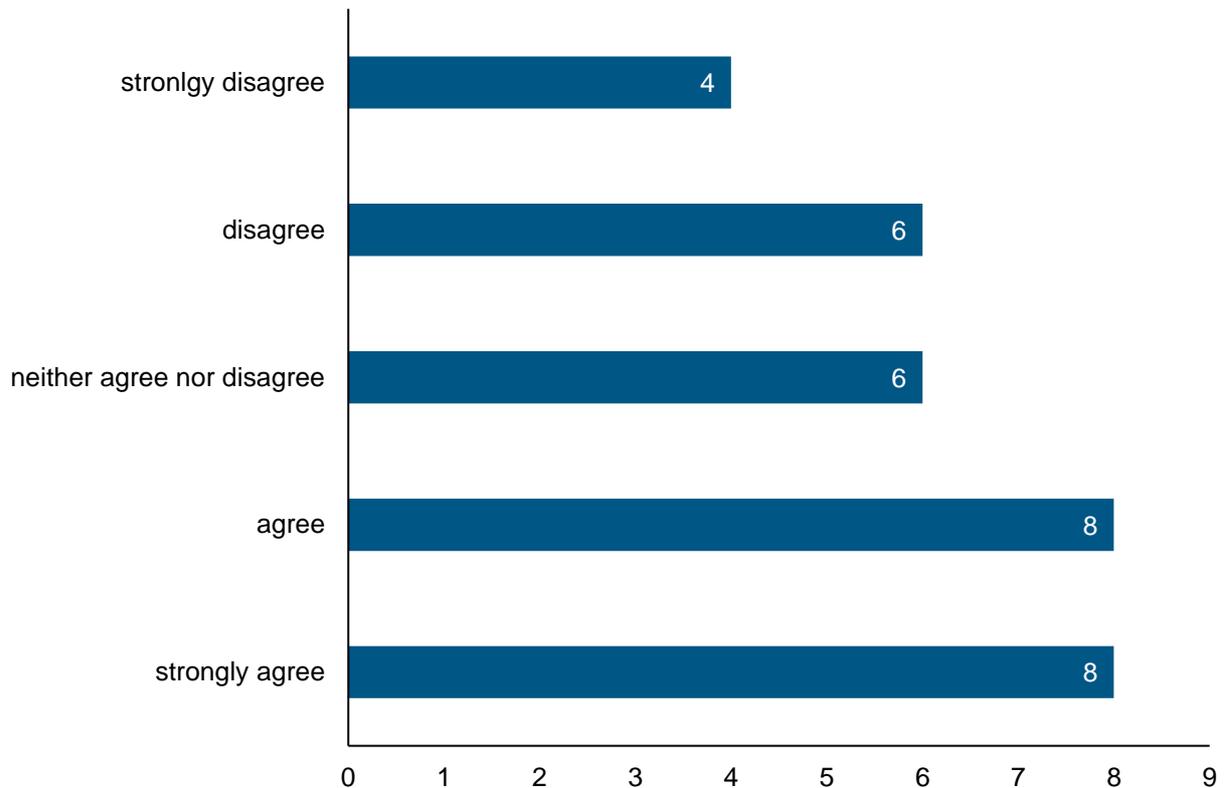


3.2.2 If the respondents' answer was 'no' to Question 4, they were asked to explain their answers. The majority of replies commented on language used within the document and the need to clarify terminology, processes and steps to take, the need for a consistent approach to taking views, and the need for case studies to demonstrate different scenarios. Some respondents commented that information was missing from the document, or needed more explanation, such as:

- economic viability;
- sources of costing and financial viability;
- who is qualified to give professional advice;
- information on partial demolition;
- legal consequences of demolition without consent.

3.3.1 In Question 5, participants were asked if they agreed with a specific section of text under the heading '**economic viability**'. This text says the demolition of a listed building should 'only be accepted where the application has demonstrated that all reasonable efforts have been made to find a scheme to retain the listed building. The efforts made should take into consideration the significance of the listed building.' The majority, an average of 3 out of 5 of respondents, agreed with the wording.

Q.5 Under the heading 'economic viability', the text says the demolition of a listed building should 'only be accepted where the application has demonstrated that all reasonable efforts have been made to find a scheme to retain the listed building.'

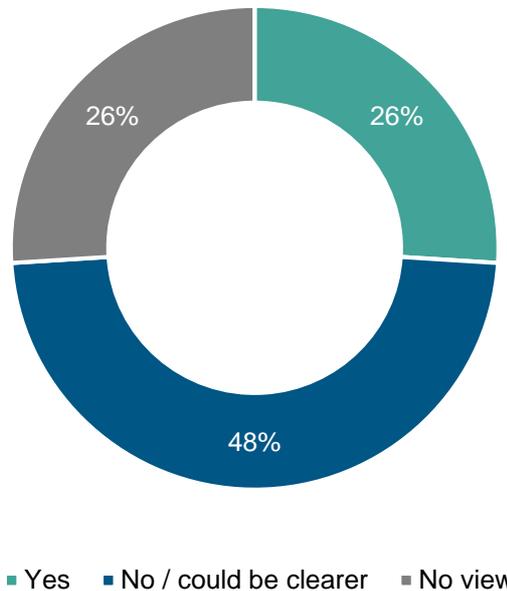


3.3.2 In Question 6, respondents were asked to explain their answer for Question 5. A third of the respondents expressed concern over the existing guidance for understanding economic viability: some suggested that more information and clarity on marketing would be helpful, including a flow chart for processes, and a reduction in the marketing period time was requested. Over half of the respondents commented on the clarity of language in this section, specifically to elaborate on the statements and words?

- 'reasonable level of risk';
- 'reasonable effort';
- 'significance'.

3.4.1 Question 7 of the survey queried if the text provided **sufficient clarity** as to the information required to support a demolition application. Around 48% of the respondents did not agree there was sufficient clarity to the text.

Q.7 Does the text provide sufficient clarity as to the information required to support a demolition application?



3.4.2 If the respondents answered 'no' to Question 7, they were provided with the opportunity to explain their answer. Additional information on compliance, case studies, demolition of curtilage buildings, and verifiable marketing were noted as missing from the document or needed more clarity. Similar to previous answers, some clarity was being sought on statements such as 'meaningful repair' and 'reasonably marketed'. 16 of 35 respondents commented they wanted specific detail on what is required for application, including:

- what level of supporting information is sufficient;
- what should a submission should look like;
- include a checklist and flow chart.

3.5.1 In Question 8, the survey asked respondents if the Managing Change Guidance Note for Demolition document left out any **information that should be included**. 76% or 26 out of 54 respondents answered 'yes' and they were provided the opportunity to explain their answer. The overarching themes of the responses highlighted the need for the document to have:

- clearer layout, simpler language and better definitions for terminologies;
- more detailed guidance throughout, with flow charts or steps to take, and principles and processes for determining applications;
- additional clarification over where responsibility lies, and reference to the status of local policies;
- information on the role of community groups, community ownership, Right to Buy and Asset Transfer.

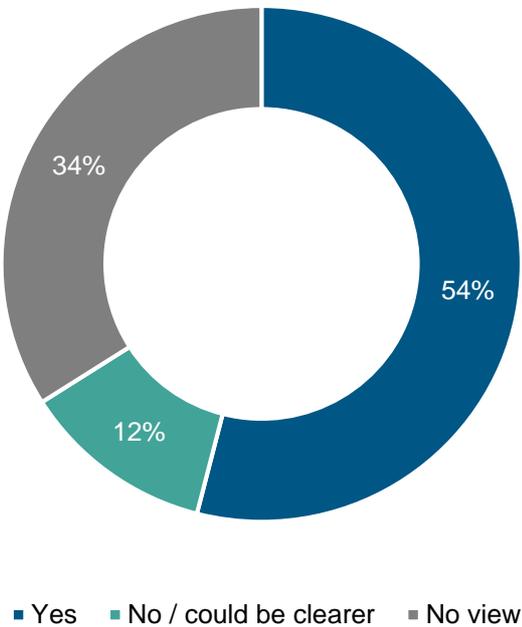
3.6.1 Question 9 asked respondents if the document included anything they thought was **unhelpful or unnecessary**. Approximately 22% (12 out of 54 respondents) said 'yes', and

provided an explanation to their answer. The overarching themes of these responses were predominantly aligned towards:

- suggested edits to document layout, paragraph and sentence structure, or specific words;
- clarity of language and terminology in general;
- clarity of processes and procedures.

3.7.1 Question 10 marks the beginning to the questions on the draft Use and Adaptation of Listed Buildings. Participants were asked if they think the document promotes a **positive case for the active use of listed buildings**. 54% of respondents think that the document promotes a positive case, whereas 12% of respondents said ‘no’ and provided an explanation for their answer.

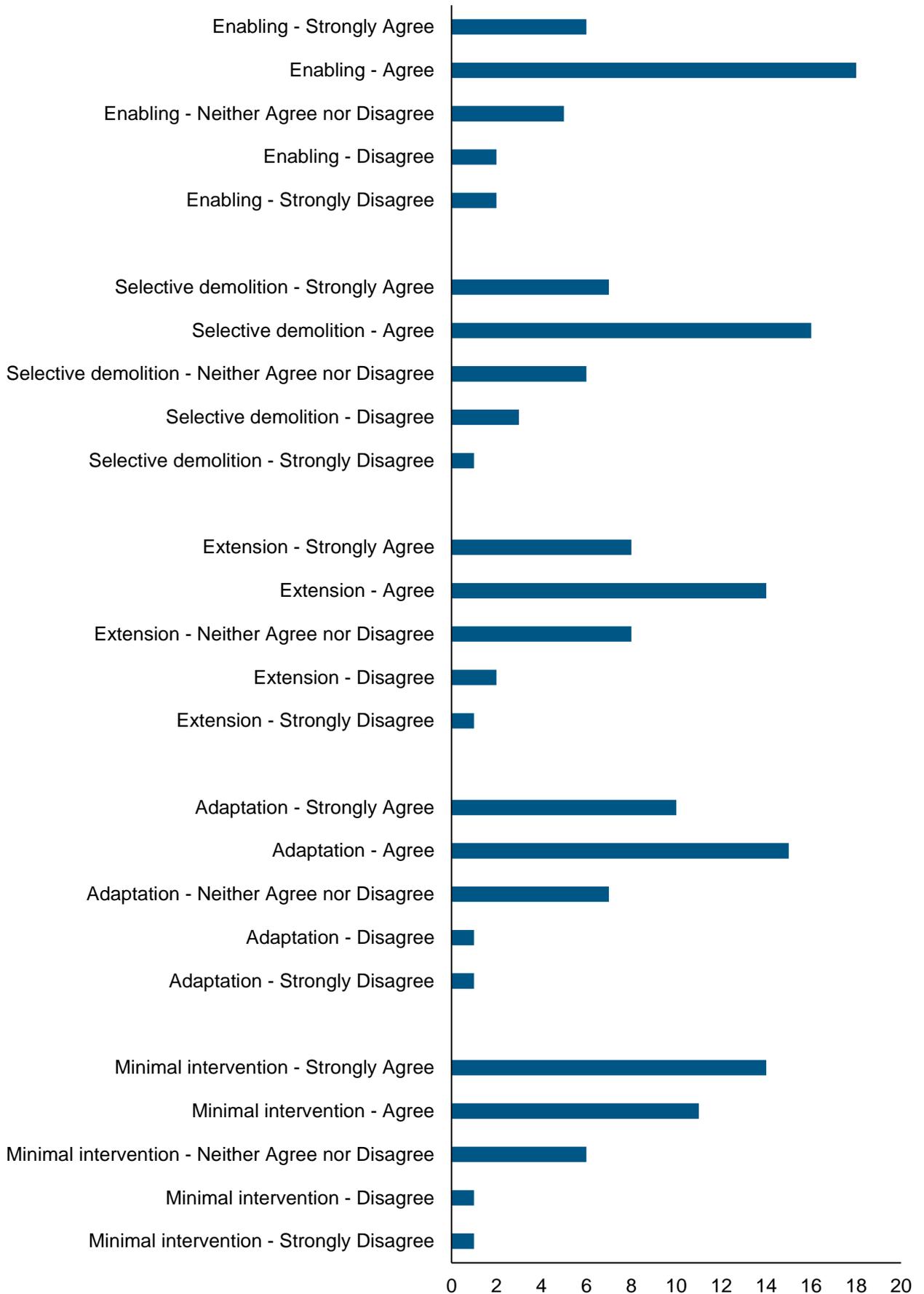
Q.10 Do you think that the document promotes a positive case for the active use of listed buildings?



The overarching themes in the explanations were related to suggestions for edits to the structure of the text, and the clarity of language, terminology and processes.

3.8.1 Question 11 references the five **approaches to the adaptation of listed buildings** to allow continued use: minimal intervention, adaptation, extension, selective demolition, and enabling. Participants were invited to indicate to what extent they agreed or disagreed (strongly disagree, disagree, neither agree nor disagree, agree, strongly agree) with the proposed approaches. The majority of the respondents agree or strongly agree with the five proposed approaches. See table below for a summary of the answers.

Q.11 We list five approaches to the adaptation of listed buildings to allow continued active use. To what extent do you agree or disagree with these approaches?



3.8.2 Respondents were provided with the opportunity to explain their answers to Question 11. The overarching themes of the comments received were related to suggested amendments to:

- the text and structure of the document to make it easier to understand;
- the clarity of the language and terminology;
- the clarity of processes, and roles and responsibilities;
- include more guidance on enabling development, improving energy efficiency and adapting for climate change.

3.9.1 Question 12 asked participants for **case studies** to help illustrate ways in which listed buildings have been successfully adapted. There were eighteen responses providing many relevant examples.

3.10.1 Question 13 of the survey asked respondents if the draft Use and Adaptation of Listed Buildings document left out any **information that should be included**. 56% of the respondents answered 'yes' to this question and they were provided with the opportunity to explain their answer. The overarching themes of the responses highlighted the need for the document to have:

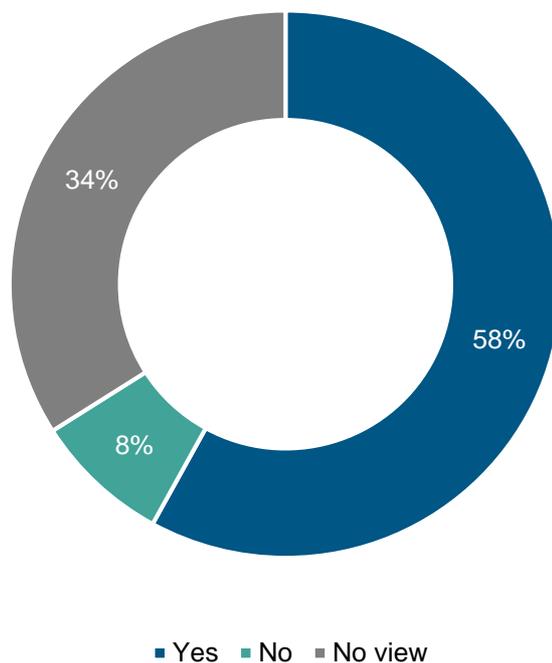
- clearer language, terminology, definitions and explanations throughout;
- more detailed information, guidance, processes, and on the approaches to intervention, including case studies;
- additional information on planning guidance and policy, status of document.

3.11.1 Question 14 asked respondents if the document included anything they thought was **unhelpful or unnecessary**. Approximately 15% (8 out of 54 respondents) said 'yes', and provided an explanation to their answer. The overarching themes of these responses were predominantly aligned towards:

- suggested edits to language, such as subjective wording, and general clarity of text;
- the suitability of Managing Change as non-planning guidance

3.12.1 In Question 15, respondents were asked if separating the topics into separate documents is a good idea. While some felt that combining the documents would be better, 58% of the respondents indicated a preference for keeping the documents separate. When asked to explain why combining them would be better, some felt that the separations needed to be clearer and to avoid cross-over or repetition of advice, or confusion over which policy and guidance should be used. One person was concerned that it 'assumes those intent on demolition will have sought out the information on use and adaptation'.

Q.15 Do you think separating these topics (Demolition and the Use and Adaptation of Listed Buildings) in separate documents is a good idea?



3.13 Question 16 asked respondents to suggest subject areas they would like to be covered by the Managing Change Guidance Note series as HES continues to develop more guidance. The most common suggestions included, but were not limited to:

- guidance on conservation areas, including demolition and new development, setting, place, streetscape and public realm;
- enabling development and beneficial re-use;
- development management;
- curtilage;
- new buildings in rural areas.

3.14 Question 17, the final survey question, asked respondents if they had any additional comments or feedback. Most comments received in this section had been captured elsewhere in the survey, for example, there were a number of specific suggestions for amendments to the format of the text, or language and terminology used. Flow charts, checklists and diagrams were suggested to help understand the various aspects of the planning process. More explanation of the tests for demolition and to make clear the requirements to quantify conservation deficit.

PART B – CONSULTATION REPORT

4. APPROACH TO FINALISING THE GUIDANCE

This section describes how we have taken the views expressed during consultation into account in finalising both Demolition of Listed Buildings and the Use and Adaptation of Listed Buildings.

4.1 How have views and information been taken into account?

Each comment was reviewed to assess whether it was relevant to the guidance and to see if they fit into more specific overarching themes. This information was collated into a spreadsheet. This, in turn, was further reviewed and a word document produced containing bullet points for further discussion (the discussion document).

The draft guidance documents was circulated to an internal review group. The group came together to consider changes, taking into consideration the contents of the discussion document. Changes were then made to address relevant comments submitted in consultation for both documents which reflected the recommendations made by the peer review group.

A final draft of the managing change guidance was signed off by the Director of Heritage on 26 March 2019 in preparation for copy editing, final design and publication.

4.2 Editing and drafting changes – post consultation

The edits and draft changes to the policy following consultation were either whole scale changes that reflected questions about the status of the document, some of the language used in it, its relationship to other policies and guidance, how the document should be used, or were about specific points related to process.

Looking at each document in turn:

Demolition of Listed Buildings

This document received the substantive comments. The responses to Q.2 (what to consider first) and Q.5 (specific wording used under economic viability) were positive and this is reflected in the final document. However, some detailed comments – specifically under Q.4 (asking if the text provides sufficient clarity over when demolition should normally be granted) and Q.7 (does the text provide sufficient clarity as to the information required to support a demolition application) – required more detailed consideration. See section 3 of this Report (Analysis of Responses).

The decision was taken to introduce a section on 'how to use this guidance' to improve the structure of document overall, and to provide more clarity on when this advice should be used (for example, it is not only for assessing demolition once a listed building consent application has been submitted). The section on economic viability has also been extensively reworked to improve clarity. We have looked at ways of explaining better some of the wording and phrases used, such as 'meaningful repair', and have removed others,

such as 'reasonable level of risk.' Other changes include recognising community ownership, addressing demolition of curtilage buildings and improve our definition of demolition.

A very specific set of comments related to the relationship this document will have to the process of designation reviews. The opinion being that it takes too long for us to review a listed building, given timescales for developers and planners determining listed building consent applications. We have therefore edited the section on 'is the building no longer of special interest' to highlight we can undertake a review in a shorter period than the six months usually stated, which will be considered on a case by case bases.

The Use and Adaptation of Listed Buildings

The majority of the responses to Q.10 agreed the document promoted a positive case for the active use of listed buildings. The majority of responded agreed or strongly agreed with the five approaches to intervention and is reflected in their inclusion in final document. During the editing and drafting process, the structure of the document has been revised and more detailed consideration has been given to the use of language and terminology.

Two areas were given more specific attention as a result of the consultation:

The use of the document as planning guidance was questioned. A section on 'how to use this guidance' has been introduced and a more explicit link made to the guidance on the Demolition of Listed Buildings.

We have introduced reference to adaptation for climate change.

4.3 What we can't respond to

We are unable to respond to suggestions for revisions to policy, to aspects that would require legislative change, or which fall out with the scope of these documents.

Some respondents asked for a much higher level of detail related to specific circumstances, such as asking for us to be more prescriptive on what information should be included with a financial assessment. As each case has to be considered on its own merits by professional judgement, we consider that providing a greater level of detail would potentially constrain decision making. We will consider providing further information in the form of case studies.

4.4 Overall views on the Demolition of Listed Buildings & Use and Adaptation of Listed Buildings

The new Demolition and Use and Adaptation of Listed Buildings Guidance Notes take into account the views of stakeholders that have been collected as part of the wider project to produce a new historic Environment Policy for Scotland, as well as formal consultation on the draft guidance documents themselves. The resulting documents are part of the Managing Change Guidance Notes series and should be used by decision makers for the historic environment, alongside HEPS and other supporting policies.

Appendix 1: List of questions asked

Q1 Are you answering this consultation on behalf of yourself as an individual or in another capacity?
Q2 To what extent do you agree or disagree with the specific considerations outlined under the heading 'what to consider first'?
Q3 Please explain your answer to Question 2.
Q4 Does the text provide sufficient clarity over when consent to demolish a listed building should normally be granted or refused?
Q5 Under the heading 'economic viability', the text says 'The principle of demolition should only be accepted where the application has demonstrated that all reasonable efforts have been made to find a scheme to retain the listed building. The efforts made should take into consideration the significance of the listed building.' To what extent do you agree or disagree with this wording?
Q6 Please explain your answer to Question 5.
Q7 Does the text provide sufficient clarity as to the information required to support a demolition application?
Q8 Does the document leave out anything that should be included?
Q9 Does the document include anything you think is unhelpful or unnecessary?
Q10 Do you think that the document promotes a positive case for the active use of listed buildings?
Q11 We list five approaches to the adaptation of listed buildings to allow continued active use. To what extent do you agree or disagree with these approaches?
Q12 We will publish separately short case studies to help illustrate ways in which listed buildings have been successfully adapted. Do you have any examples that you would like us to publicise?
Q13 Does the document leave out anything that should be included?
Q14 Does the document include anything you think is unhelpful or unnecessary?
Q15 Do you think separating these topics (Demolition and the Use and Adaptation of Listed Buildings) into separate documents is a good idea?
Q16 As we continue to develop our suite of guidance are there topic areas you would like to see covered?
Q17 Any additional comments?



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Any enquiries regarding this document should be sent to us at:

Historic Environment Scotland
Longmore House, Salisbury Place
Edinburgh, EH9 1SH
+44 (0) 131 668 8600
www.historicenvironment.scot
Scottish Charity No: SCO45925
VAT Number: GB 221 8680 15

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