

PE2105/B: Safeguard Scottish Listed Buildings at risk of unnecessary demolition

Petitioner written submission, 29 August 2024

I thank the Scottish Government for its written submission considering petition **PE2105: Safeguard Scottish Listed Buildings at risk of unnecessary demolition**. We set out below new information and clarification on our petition.

SAVE Britain's Heritage fully recognises the paramount importance of making dangerous buildings safe, as established by the Building (Scotland) Act 2003. We further recognise that the provisions of Section 35 of the Building (Scotland) Act 2003 do not remove the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Petition PE2105 seeks to address a loophole in legislation that allows a council to demolish listed buildings under Section 29 of the Building (Scotland) Act 2003 without providing sufficient evidence to justify their actions.

Section 35 of the Act requires a local authority to consult the below persons before serving a dangerous buildings notice or carrying out works on a historic building:

- Historic Environment Scotland
- The planning authority (where the planning authority is not the local authority)
- Such other persons as the local authority thinks fit

It is set out within the *Building Standards Procedural Handbook (2024)* para 10.3.2, that when serving a dangerous building notice or carrying out urgent work under section 29(3) of the Act prior to consultation, it is good practice to limit the action taken in relation to a historic building to the **minimum needed** to protect the public until proper consultations have taken place.

In order to adhere with Section 35 of the Act, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and good practice as set out in para 10.3.2 of the *Building Standards Procedural Handbook (2024)*, enhanced guidance is needed to set out the minimum structural evidence and processes required before undertaking demolition works to listed buildings on public safety grounds, including consulting national heritage advisor Historic Environment Scotland.

Appropriate consultation should include the expertise of a conservation accredited structural engineer to determine the *minimum* works necessary to a listed building to protect the public and to advise on the necessary measures to make a listed building safe which avoids excessive or total demolition.

In cases where immediate action is taken on a dangerous building, the necessary consents, including listed building consent as required by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, must be sought. Whilst we fully acknowledge the importance of works for public safety, the use of retrospective listed building consent for emergency works which carry out excessive or total demolition sets an alarming precedent for listed buildings in Scotland. Seeking retrospective listed building consent as a normal and accepted procedure removes the control the planning system has over the emergency measures taken, such as instances where works would have been refused.

We appreciate that instances of dangerous buildings are unique and require a risk-based approach to determine the appropriate action. However, we do not consider that this prevents the publication of additional guidance on the provision of the appropriate expertise when assessing a dangerous building. On the contrary, the unique nature of historic buildings benefits from a case-by-case approach as determined by specialist examination.

Under the current system, historic buildings are being needlessly and excessively demolished under emergency safety powers. [SAVE Britain's Heritage](#) has encountered this in our recent and active campaigning to protect a historic listed building in Scotland. We consider that enhanced guidance on the appropriate expertise to assess historic buildings is of the utmost importance to ensure local authorities adhere to the legislation and guidance set out above.

I ask that you keep me informed of further decisions or consultations regarding this petition.