

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

## Petitioner written submission, 31 January 2025

Thank you for this submission of 18 November 2024 by the Scottish Government on petition **PE2105: Safeguard Scottish Listed Buildings at risk of unnecessary demolition**. We welcome the petition's positive reception at the Citizen Participation and Public Petitions Committee meeting on 9 October 2024, and the call for an expert roundtable session to be convened.

We are supportive of key actions set out in the Buildings Standards Division response dated 18 November to (a) expand advice relating to listed buildings in the Building Standards Enforcement Handbook and the Procedural Handbook, and (b) carry out research to quantify the extent of the issue, develop a detailed understanding of the steps taken and the evidence used as the basis for decision making. However, we urge that the roundtable meeting is *not* delayed until this research is finalised by Spring 2025. The roundtable process is essential to inform this new guidance and help direct further research. To gain a full and thorough understanding of the matters raised by our petition, we consider that the expert roundtable should feed into this research to quantify the extent of the issue.

Our petition, supported widely by MSPs, Scottish and national heritage groups and members of the public, calls for stronger safeguards for threatened listed buildings. We reiterate that SAVE Britain's Heritage fully recognises the paramount importance of making dangerous buildings safe. However, we consider that emergency powers set out in the Building (Scotland) Act 2003 can allow for the demolition of listed buildings without sufficient evidence to justify the decision, in conflict with planning safeguards in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

There is a disparity between the requirements set out in existing legislation and guidance regarding carrying out urgent public safety works to a listed building, and how this is executed in practice.

Under the current system, across Scotland, listed buildings are subject to excessive or total demolition under emergency public safety powers without robust evidence and appropriate consultation to justify the works. This is not an isolated local issue, but an issue of national importance. We wish to draw attention to the following examples of unjustified demolition under emergency powers:

- Ayr Station Hotel, Ayr, South Ayrshire
- ABC Cinema, 292 - 332 Sauchiehall Street, Glasgow
- Braemar Lodge Hotel, Glenshee Road, Aberdeenshire West

- Brown Institute, 41 Canal Street, Renfrew
- TA Building, 76 High Street, Paisley

**The need for enhanced guidance:**

We consider that the demolition cases highlighted above were executed without robust justification for these works, such as structural evidence provided by a conservation accredited engineer. The majority of cases listed above entail total demolition. Without an up-to-date structural survey of a dangerous building carried out by an appropriate expert, wholesale demolition cannot be verified as the minimum works required to make a building safe.

National legislation and guidance set out that it is good practice to limit works to a listed building carried out prior to consultation to the minimum necessary to protect the public (para 10.3.2, *Building standards: procedural handbook, third edition, version 1.6*, 2019). Section 8 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that works which were carried out to a listed building without authorisation must be proven to have been urgently necessary in the interests of safety or health, that it was not practicable to secure safety or health or the preservation of the building by works of repair or temporary support, and that the works carried out were limited to the *minimum* measures necessary if they are not to be considered a contravention of the Act.

The above examples highlight that there is insufficient guidance on the evidence and information required to justify emergency works in order to fulfill the duties of the 1997 Act and to ensure that emergency works are not excessive and are limited to the minimum loss of fabric necessary to protect the public. Enhanced policy guidance is needed to set out clearly the evidence and processes required by local authorities before making decisions on the demolition of listed buildings under emergency powers. We consider there should be a mandatory policy requirement for local authorities to engage with conservation accredited engineers in all cases involving listed buildings.

We would be pleased to share further information regarding the cases listed above.