

## Response ID ANON-EB2X-TV7X-A

Submitted to Scotland's protected historic places - consultation on a long-term strategy for heritage designation  
Submitted on 2025-06-30 09:22:14

### Background

### About you

#### 1 Your data

I agree to the privacy notice :  
Yes

#### 2 What is your name and email address? Please provide your details below.

Your name:  
Scott McGibbon

Your email address:  
scott@pvotalconsult.com

#### 3 Do you use heritage designations? (Select all that apply)

Yes - for my work, Yes - for research and/or interest

#### 4 Are you responding as an individual or on behalf of an organisation, business or community group?

On behalf of an organisation, public body or charity

If you're responding as an organisation, business, or community group, please enter the name here :  
Scottish Branch of IHBC

#### 5 Historic Environment Scotland would like your permission to publish your consultation response Please indicate your preference.

Publish response only (without name)

#### 6 We may wish to contact you to discuss your response, but we require your permission to do so. Are you content for HES to contact you again in relation to this consultation exercise?

Yes

### Vision, mission and approach

#### 7 Do you support the vision, mission and overall approach?

Yes

Please provide any comments:

In essence, the IHBC Scotland Branch does support vision, mission and overall approach- however we recognise the need for reform but we wonder whether the vision, mission and overall approach is bold enough.

While there is nothing in particular to object to about the proposal, the devil will be in the detail in the working out of the strategic vision, which will be critical and whether this is deliverable with existing or modestly enhanced resources.

8 We propose changing how we refer to designation in our strategy and communications. We often use this term to describe the legal recognition of historic sites. However, evidence indicates that the terms 'Designation', 'Designations', and 'Designate' are poorly understood by the public. We think it would be beneficial to make more use of the word 'protection' for its clarity of purpose. For example, 'designated historic sites' could become 'protected historic places,' and 'designation records' could be 'protected place records'. Please give us your views.

Please give us your views:

In general any document should conform to Plain English as far as is possible, taking account of the necessarily technical nature of some designation content.

We are surprised that "designation" as a term is poorly understood but would have no objection to the term "protection" being used.

Although, considering the poor understanding of current terms, the concept of employing "protected" could reinforce the mistaken assumptions about preservation in certain aspects. As such careful selection of correct terminology needs in depth stakeholder analysis.

## Priorities 2025-28

9 We have identified four priorities for HES in delivering the designations strategy over the next three years. Do you agree with them?

Agreement with priorities - Objective 1: Looking ahead:

Agree

Agreement with priorities - Objective 2: Improving our information:

Agree

Agreement with priorities - Objective 3: Improving our service:

Agree

Agreement with priorities - Objective 4: Understanding our impact:

Agree

Please provide any further comments on the priorities:

We do not disagree with the proposed Objectives. The diagram does not, however, reflect the scale of the objectives.

It would be our view that "Improving our information" has significant priority and resource needs allocated. Given, it is this information that is used on a day-to-day basis in relation to planning and regulatory functions that is of key importance.

### Objective 1 - Looking ahead

10 Give us your views on our proposed initiatives under this objective, and how we intend to measure progress?

Tell us what you think:

Objective 1- Looking ahead.

It would be our view that the envisioning and development of priorities needs to encompass a longer period than a 10-year priority. It would not be unreasonable, given the change of thinking/ direction/ approach that may be required to think in terms of a 15- 20-year period built up of 5 year action plans, with scope to respond to parliamentary cycles.

We welcome review of Designation Policy and Selection Guidance and this needs to happen in conjunction with relevant case law. Further advice needs to be provided that clarifies the intent and extent of the use of the 2015 amendment 4A of the 97 PLBCAS Act with relevant legal input.

As we increasingly move from subjects for listing consideration having solid wall construction with their apparent structural reliability, into later more life-limited technologies, there is a need for those designating to better understand construction technologies and the integral part they play in design and contribute to architectural interest and to source expert input accordingly.

The approach and detail provided in designations needs to be carefully considered and weighed in the context of varying local capacity to interpret historic fabric. We welcome opportunities being explored to work with local authorities, local learned groups, history groups and others to capture pertinent information and again recognise that coverage of such groups is variable.

We welcome the use of digital platforms, but it is imperative that issues around compatibility of data sets is discussed at an early stage with local authorities and other users who maintain their own records. This is particularly important if there is any intention to define polygons rather than points.

The proposed initiatives under this objective, appear logical, however consideration should be given to a wider encompassing of key stakeholders (such as IHBC (Scotland) and external consultants)

In terms of how HES intend to measure progress – perhaps there is a need also to stipulate short- and medium-term priorities which would allow a better perspective on direction of travel.

11 Our intention is to lead the strategic conversation about the whole system of heritage protection across Scotland to ensure an integrated and comprehensive approach. This includes aspects led by local authorities. We think that any discussions about the long-term future of heritage protection should adopt a 'whole-system' approach. For example, including how undesignated sites are managed in the planning system, and how locally and regionally important sites and places such as conservation areas are recognised and protected. Do you agree with our proposed approach to enabling discussions about the whole heritage protection system?

Yes

Please add any comments:

We agree in principle that a "whole system" approach should be captured. Notwithstanding that the consultation to date suggested no real appetite for legislative change, a whole system approach may well require reconsideration of primary legislation. It will be necessary for example to consider:

- The extent to which designations reflect statutory weighting that may be required in relation to protection and management.
- Where group or street-length listing have been carried out prior to conservation area designation and the intention is to remove some of those listings, the efficacy and adequacy of existing conservation area protections will need to be considered.
- Where the intent is to increase public involvement, ways of defining and weighting local interest and intangible heritage within decision making

processes.

- If moving to polygon definition of assets primary legislation may be required or may need to be adjusted.

Balancing public involvement and views with careful academic consideration of proposed designations will be challenging and the mechanism for this is not clear.

## Objective 2 - Improving our information

12 Give us your views on our proposed initiatives under this objective, and how we intend to measure progress?

Tell us what you think:

Objective 2- Improving our information- by March 2028

Given the current state of the statutory lists and other designations, the format in which they are currently in with associated mappings, the redefinition of scope, removal of ambiguity and editing and re-presentation of information, we think that to have regularised data by March 2028 is ambitious and would certainly require significant front-loaded additional resource input.

We support engagement with users, although often users will not have a complete understanding of the inconsistencies in the records pertaining to their areas. These tend to emerge from time to time. A mechanism for reporting such issues and an understanding that they will be addressed timeously is important and needs to be properly resourced.

To a March 2028 deadline scaling approaches using technologies is essential. There will remain, however, a need for editing and review of data and a suitable resource needs to be identified to allow that to happen timeously.

We welcome prioritisation where statements of significance are inadequate or non-existent. In addition to development pressure, a further consideration might be the extent to which respective local authorities have inhouse expertise to interpret significance.

The proposed initiatives under this objective, appear logical, however consideration should be given to investigating stakeholder navigation of the platform to be used for the delivery of protected place records and spatial data.

In terms of how HES intend to measure improving information – perhaps there is a need also to measure the new revised approach is being used by stakeholders which would allow a better perspective on direction of travel.

The proposed initiatives under this objective, appear logical, however from a 7% figure the ambition to achieve detailed descriptions (not clearly requested in the initial consultation report) and detailed statements of national importance and of special interest will require extensive stakeholder consultation for all sites. This is simply impossible.

In terms of how HES intend to measure improving information – perhaps there is a need also to measure/evaluate the new revised approach is being used by stakeholders which would allow a better perspective on direction of travel.

## Objective 3 - Improving our service

13 Give us your views on our proposed initiatives under this objective, and how we intend to measure progress?

Tell us what you think:

Objective 3- Improving our service

It would be desirable to see systems and processes improved and with improved timelines, however, as was noted in the consultation, this has to be set against any requirement for greater public engagement and the right of appeal. It would be good to better understand the public and user perspectives on what they consider to be efficient processing.

Efficient processing will necessarily require fuller exploration and exploitation of technologies.

Demystifying- It is not always clear the basis on which listings are being made except via long-form reports of handling. It is not always clear from text how attributes of special interest are being weighted and how these fit into national context criteria for listing. Greater transparency and clarity is required.

14 When we set out a revised approach for handling external requests, we think we will need to be more selective to deliver the greatest impact with our available resource. An approach could be to prioritise new designation requests concerning under-represented sites, especially in high development/landuse pressure areas. What do you think of this approach?

How do you view this approach:

We agree that risk is a factor that should be considered where prioritising listing, however, we note that HES will often not list where “plans” for development exist- which could in themselves place historic assets at risk and has seen buildings assessed as being of listable quality by HES demolished.

Clearer guidance is required that sets out the circumstances in which HES will or will not designate property in the context of “plans” and discussion is

required with local planning authorities around the sequencing and timing/ service of Building Preservation Notices.

Any adjustment to designation protocols should factor in the interface with Certificates of Intention Not to List and Building Preservation Notices.

The proposed approach under this objective, appear logical, and we agree prioritisation is needed, and less reliance on reaction to external requests. HES should have confidence in its own skills and records.

15 We are also likely to prioritise reviewing existing designations that we think are no longer justified or those where inadequate records are having a negative impact on their management, especially in high development/landuse pressure areas. Requests for less impactful cases, like address/category changes and minor corrections, may not be priorities. What do you think of this approach?

How do you view this approach?:

We agree that minor adjustments should generally take less precedence than reconsideration of designations that are no longer considered justified. The exception here would be street address adjustments which are integral to the legal designation and can generate uncertainties about what is covered by a designation.

GIS mappings/ polygons/ address points do not always match from system to system and there may be a legacy of inadequate data acquired from street level survey or from old systems built into some listings.

A full justification for delisting would be required setting out why a historic asset no longer meets the national criteria and this needs to be associated with consistency checking both locally and across Scotland, liaison with local planning authorities and local heritage organisations which may have information not currently identified within a statement of interest should be an integral part of any proposal to de-designate. Enough time needs to be provided to allow a proper assessment and factor in all relevant information.

## Objective 4 - Understanding our impact

16 Give us your views on our proposed initiatives under this objective, and how we intend to measure progress?

Tell us what you think:

Objective 4- Understanding our impact

No objection to the Objective but HES needs to be mindful of the implication of changes of approach to designations on the ground and unintended consequences.

17 By March 2027, we aim to gather baseline evidence on the impacts of heritage protection to enhance understanding. Please share your views on the research themes we are considering:

Give us your views:

We consider that collation of Economic, Wellbeing/social/community and Environmental information is work that should be carried out by other parts of HES and we don't see the usefulness of this as a particular priority for the Designations Team.

Clearly the prospect of listing very much in future is going to be hamstrung by continual reassessment of what is already listed, throwing all into doubt, and with ever-longer list descriptions and statements of importance delivered top down from above.

IHBC members, few of whom are in HES, appear to think there is more scope for engaging LA, the third sector and private consultants- that's how I tried to frame responses to other consultations from IHBC and not HES. And what about local lists and BPN pushed by LA?- the former hasn't got off the ground and the latter carry big risks.

## Impact assessments

18 What impact do you think our strategy would have on people with the following characteristics?

Impact on protected characteristics - Age:

Not sure

Impact on protected characteristics - Disability:

Not sure

Impact on protected characteristics - Gender reassignment:

Not sure

Impact on protected characteristics - Marriage and civil partnerships:

Not sure

Impact on protected characteristics - Pregnancy/maternity:

Not sure

Impact on protected characteristics - Race:

Not sure

Impact on protected characteristics - Religion or belief:

Not sure

Impact on protected characteristics - Sex:

Not sure

Impact on protected characteristics - Sexual orientation:

Not sure

Impact on protected characteristics - Socio-economic background:

Not sure

Please tell us more:

19 What impact do you think the plan might have on people in island communities?

Positive

Please tell us more:

20 What impact do you think the strategy might have on the competitiveness of Scottish business, the third sector or on the regulatory context?

Positive impact

Please tell us more:

Anything else?

21 Please provide any other comments on our strategy in the box below.

Please type your answer here.:

n/a