

PE1749/D

Scottish Government submission of 31 October 2019

Financial viability studies are conducted on listed buildings requiring restoration and/or maintenance

It is not clear from the information provided whether this would be intended as a blanket provision on all listed buildings. There are approximately 47,000 listed buildings in Scotland. To assess the extent of properties that are in need of maintenance and/or repair would require a national audit of their condition. Historic Environment Scotland (HES) currently conduct an biennial assessment of our historic environment, Scotland's Historic Environment Audit (SHEA), to measure progress towards our 10-year historic environment strategy, Our Place in Time. The assessment is based on available data sources and does not currently include an indicator regarding the condition of all listed buildings.

The condition of Scotland's pre-1919 building stock (not limited to listed buildings) is currently a national indicator of Scotland Performs, the Scottish Government's National Performance Framework. Based on data in the Scottish House Condition Survey (SCHS), a national statistics publication, the latest report found that 67% of pre-1919 housing stock is in need of critical repairs (which refers to weather tightness and structural stability). This has reduced from 74% in 2008, but still amounts to a significant proportion of Scotland's traditional building stock. This suggests that the issue is wider than just the condition of listed buildings and gives some indication as to the potential costs involved.

Uninhabited listed buildings and unlisted buildings in conservation areas that are identified in need of restoration or repair are included on the Buildings at Risk Register (BARR) maintained by HES. The BARR has been in operation in Scotland since 1990 in response to concerns at the growing number of historic buildings that were vacant and had fallen into disrepair. HES use the register to bring together potential restorers and redevelopers with buildings and sites that are considered at risk or under threat and will be able to provide further information. As there are currently over 1500 buildings on the BARR, undertaking financial viability studies of each before a potential restorer has been identified would be an expensive and resource intensive undertaking.

Responsibility of ownership is established for this work

The responsibility for any remedial or conservation work on a property is the responsibility of the owner. The Toolkit that accompanies the BARR includes guidance on identifying and developing relationships with owners of relevant properties and highlights the importance of local authorities identifying owners where repairs/maintenance are deemed necessary. The ownership of land in Scotland can be established through the Registers of Scotland (RoS). Under the Land Registration etc (Scotland) Act 2012, RoS has been given until 2019 to map and register all publicly owned land in Scotland and until 2024 to register all land in Scotland.

The Land Reform Act (Scotland) 2003 granted the community right to buy abandoned, neglected or detrimental land which came into force on 27 June 2018. This gives community bodies the legal framework to be recognised as a compliant community body which can compulsorily purchase land which is wholly or mainly, abandoned or neglected or the use or management of the land is causing harm to the environmental wellbeing of the community. This provides the framework to transfer ownership of listed buildings which are in need of repair to an appropriate compliant community body. That community body could then apply for financial assistance grants to complete any repair work as necessary.

Financial assistance is provided where listed buildings are at risk of falling into disrepair

The Scottish Government currently provides £14.5 million to HES annually for historic environment grants. This is administered through their various grant schemes including repair grants, support funds, and the Conservation Area Regeneration Scheme (CARS). There are also grant schemes available from a variety of other sources including the National Lottery Heritage Fund (NLHF) and the Architectural Heritage Fund (AHF), to assist property owners, both public and private, to make necessary repairs, establish maintenance plans or undertake feasibility studies for the adaptation and reuse of historic buildings.

Each scheme has its own criteria against which applications will be assessed with the focus often on the range of benefits or impact that a project will have. Individual grant providers will be able to provide further information. Given the extent of potential funding required to support the maintenance and repair of Scotland's listed buildings, it is not reasonable that the onus should fall on the public purse in every case. A better approach would be to target public funding and policy towards addressing the reasons why a building might fall into disrepair, usually relating to its function, and to take measures to promote and incentivise sustainable re-use and adaptation.

As part of the delivery of Scotland's Strategy for the Historic Environment, Our Place in Time (OPiT), a range of partners are working to consider the investment requirements of the historic environment strategically. In June 2017 a working group was established with the purpose of developing a Scotland-wide Built Heritage Investment Plan that will outline need, criteria for prioritising investment, and an action plan that sets out how various forms of intervention could achieve the goals. The broad spectrum of representation on the Group from across public, private and voluntary sector reflects the ambitions, scope and scale of the undertaking. HES is currently responsible for coordinating, facilitating and enabling delivery of the Plan and OPiT and will be able to provide further information.

What incentives there are for owners of listed buildings to maintain or repair their property if the responsibility, and associated costs shift to the public sector once a building becomes a public danger.

For domestic properties, the Housing (Scotland) Act 2006 legally requires an owner to keep their property to a 'tolerable standard'. Beyond this, there is no statutory obligation, apart from issues of public safety, on the owner of a listed building to keep their property in a good state of repair. There are statutory powers available to Ministers and local authorities to take action where listed buildings have deteriorated. These powers allow them to carry out urgent works for the preservation of listed buildings, to serve 'repairs notices' and to compulsorily acquire listed buildings in need of repair. In these cases, the building must be in such a poor condition that there is a real risk of loss.

In addition to listed building legislation local authorities are also empowered under the terms of Section 28 of the Building (Scotland) Act 2003 to serve a 'defective building notice' on the owner of any building requiring them to rectify such defects in the building as the notice may specify in order to bring the building into a reasonable state of repair having regard to its age, type and location.

If the responsibility for costs were to shift to the public sector for repairs/maintenance for listed buildings, there would be little incentive for owners of listed properties to properly maintain them. This is why the much better alternative is to encourage effective management and maintenance. In the past, there have been calls to reduce VAT on repairs

and alterations to dwellings which may incentivise improvements. However, as VAT remains a reserved matter, VAT relief is currently an issue for the UK Government.