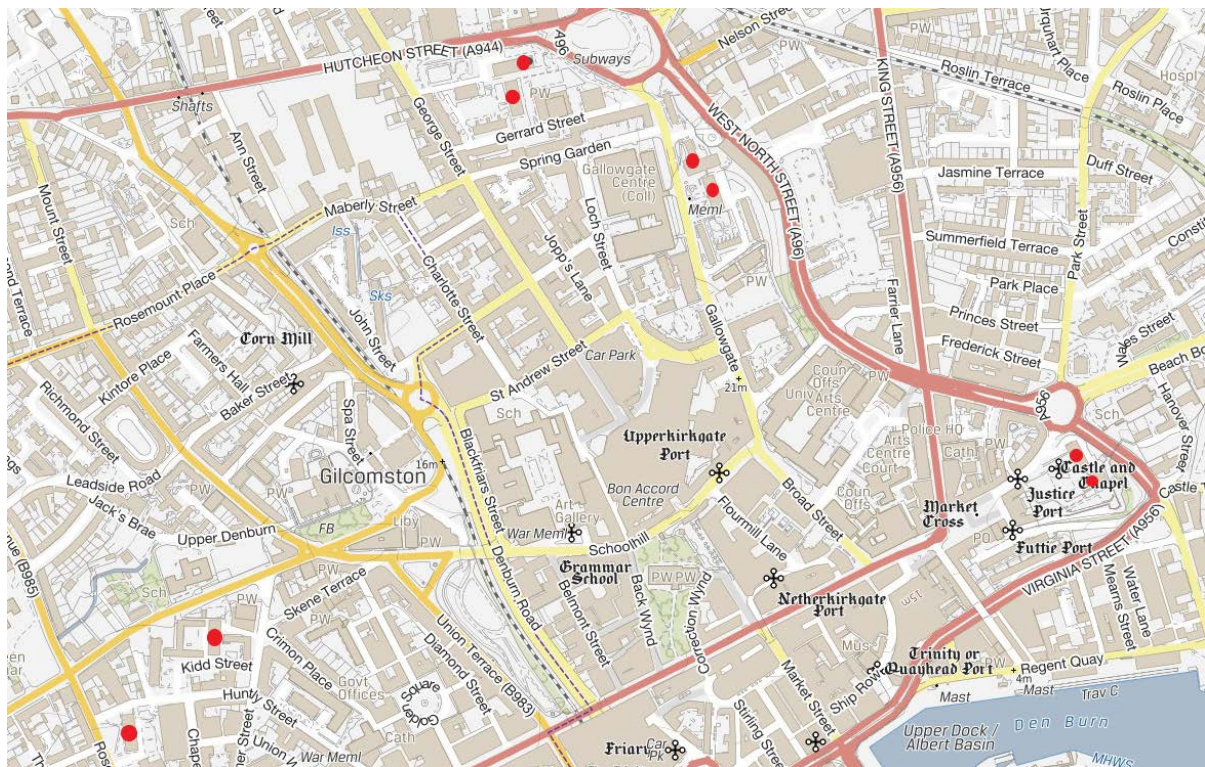


Background Notes on the Listing of the Aberdeen Inner City Multi Storey Blocks

Location / Sites

Notification was received by Aberdeen City Council on 19 January 2021 that eight inner-city multi-storey tower blocks have each been designated as Listed Buildings by Historic Environment Scotland (HES). Aberdeen City Council has interest in these blocks as owner/part-owner/landlord.

The eight blocks sit on five sites: [Gilcomstoun Land](#), [Porthill Court](#), [Seamount Court](#), [Virginia Court](#), [Marischal Court](#), [Thistle Court](#), [Hutcheon Court](#) and [Greig Court](#) (hyperlinks lead to the Listed Building Records). The listings are all Category A. This is the highest category of listing in Scotland.



(red dots on image above show the location of the eight blocks)

Background and Decision to List

Listing is the process that identifies, designates, and provides legal protection for buildings of special architectural or historic interest as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

To merit listing, the structure must meet listing criteria. The policy which explains the selection criteria for listing is contained within Appendix 2 of Historic Environment Scotland's "[Designations Policy and Selection Guidance](#)" document.

Historic Environment Scotland (HES) as a body was established in 2015 following the passing of the Historic Environment Scotland Act 2014. It incorporates the bodies previously known as Historic Scotland and the Royal Commission on the Ancient and Historic Monuments of Scotland (RCAHMS). Historic Environment Scotland is a Non-Departmental Public Body and has a Boards of Trustees who are appointed by Scottish Ministers. Historic Environment Scotland's Officers are employed by HES and are not (as was previously the case with Historic Scotland) civil servants. HES also has charitable status.

In 2018, HES received an application to consider the listing of the eight multi-storey blocks from Professor Miles Glendinning, a professor of modern architecture and a specialist in social housing and tower blocks based at the University of Edinburgh. HES assessed the listing application and concluded that the Aberdeen Multis were, in their opinion, among the best of their building type surviving in Scotland. The buildings were constructed as part of the City's post-Second World War housing programme and are considered by HES to be outstanding examples of Brutalist architectural style.

As they have been designed and built as part of the same programme of public housing, all eight buildings are considered by HES to be of equal merit for listing.

The Designation Report of Handling prepared by Historic Environment Scotland to explain their decision to list is attached to this paper.

Consultation Process

In October 2019, Historic Environment Scotland wrote to the Chief Executive to formally advise of their intention to propose designation. On behalf of Aberdeen City Council, the Chief Executive, Corporate Landlord and the Planning Authority each responded to the HES consultation (which took place from 14 October 2019 to 24 January 2020).

During the consultation period HES wrote to relevant parties and held a series of public drop-in events. There were 65 responses to the consultation and, out of these, 36 responses were from residents.

Listed Building Consent

As listed buildings the properties have been legally protected with effect from 18 January 2021 under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It is a criminal offence to demolish, alter or extend a listed building in any way which would affect its character as a building of special architectural or historic interest unless Listed Building Consent has been granted.

Aberdeen City Council as Planning Authority decide if Listed Building Consent and/or planning permission are required to make a change to a listed building. The types of changes which may require consent are those that might affect a building's special interest. These might include works that alter a building's external appearance or involve major structural changes to a building, including its interior. Routine or minor works, such as replacing a kitchen or a bathroom, will not normally require consent. Historic Environment Scotland are consulted by planning authorities on listed building applications for works to Category A and B listed buildings and for the demolition of all listed buildings.

The Planning Authority are currently preparing a Draft Guidance Note for owners / residents to set out what works could be undertaken without the need for Listed Building Consent. This Draft Guidance Note will be presented to the March 2021 meeting of the Planning Development Management Committee with a recommendation to begin public consultation on its content.

Statutory Right of Appeal

There is a statutory right to make a Building Designation Appeal to Scottish Ministers (Department of Planning and Environmental Appeals) against a decision to list by Historic Environment Scotland. The time period to submit an appeal is three months after the formal notification is received. Only those directly affected by a listing are eligible to appeal. Other interested parties may, however, be able to make representations during the appeal process.

Importantly, an appeal can be made only on the grounds that the building in question is not of special architectural or historic interest and should be removed from the list.

Judicial Review

Judicial review is the process by which a court reviews a decision, act or failure to act by a public body or other official decision maker. It is only available where other effective remedies have been exhausted and where there is a recognised ground of challenge. The time period to submit a petition for judicial review is 6 months after a decision has been made.

The grounds of judicial review fall into three main categories:

- that the decision maker acted unlawfully ('illegality');
- that the decision was made using an unfair procedure ('procedural impropriety'); and
- that the decision was so unreasonable as to be irrational ('irrationality' or 'unreasonableness').

Judicial review is primarily concerned with the process or legality of official decision making, rather than the substance of the decisions themselves. Consequently, an action for judicial review is not equivalent to a statutory right of appeal which may involve examination of the merits of a decision (see above).