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Mark Huitson
Delivered by email

Our ref: LBE-170-2010

15/10/2025

Dear Mark Huitson,

Thank you for sending us your public statement dated 03/10/2025. I have dealt with this correspondence under Stage 2 of the [Scottish Governments complaint process](#).

I acknowledge the concern expressed by you regarding the historical provenance of the artefacts in question and their perceived lack of recognition.

If I may first provide some context to the role of the Planning and Environmental Appeals Division (DPEA). DPEA is required to deal with your appeal in line with the appropriate regulations and is bound by legal parameters which, in this case, is Section 35 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. Under the delegated powers of Scottish Ministers, an independent Senior Appeals Planner was appointed to review the case. The Senior Appeals Planner found the appeal did not succeed under grounds (d) or (e) of the Act and therefore, dismissed the appeal and upheld the listed building enforcement notice with variations per the decision notice. It is not the role of the DPEA to adjudicate on the authenticity of historical claims or the artefacts' perceived significance

We must also respond directly to the allegation made in your statement that the DPEA's actions reflect anti-Christian sentiment. This is not the case, and the assertion is wholly unfounded. The DPEA operates with impartiality and integrity, guided by planning law and statutory obligations. Decisions are made without any prejudice to religious, cultural, or ideological considerations. To publicly state otherwise undermines the professionalism of the appeals process.

While I have investigated your complaint under Stage 2 of the Scottish Governments complaint process it is worth noting that the complaint process cannot overturn a determination made by, or under the delegated powers of, Scottish Ministers. The only body in Scotland that can set aside a decision is The Court of Session, and only on a point of law. Please refer to our original decision notice for further information on this.



If you remain dissatisfied with this response, you may wish to contact the Scottish Public Services Ombudsman (SPSO). The SPSO deals with complaints about the Scottish Government, its departments and its agencies. They normally consider complaints only after they have been through the formal complaints process of the organisation concerned.

Scottish Public Services Ombudsman
Freepost SPSO
Telephone - 0800 377 7330 (free from UK landlines)
Fax - 0800 377 7331 (free from UK landlines)
Email – ask@spsso.org.uk

Regards

A handwritten signature in black ink, appearing to read 'Martyn Connolly', with a large, stylized loop at the end.

Martyn Connolly MCMI | Head of Delivery
Planning and Environmental Appeals Division (DPEA) | Scottish Government