

Response ID ANON-2CP9-RFQE-C

Submitted to Local development planning - regulations and guidance: consultation
Submitted on 2022-03-31 10:03:47

PART A – Introduction

1 Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?

No View

Please explain why you agree or disagree::

2. i) Do you have any views on the content of the interim assessments?

No

Please explain your views::

2. ii) Do you have or can you direct us to any information that would assist in finalising these assessments?

No

Please provide or direct us to the information::

You can upload a file here::

No file uploaded

3. i) Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?

No

Please explain your views::

3. ii) If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.

Please put down your suggestions here::

PART B – Proposals for Development Planning Regulations

4 Do you agree with the proposals for regulations relating to the form and content of Local Development Plans?

No View

Please explain why you agree or disagree::

5 Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?

No View

Please explain why you agree or disagree::

6 Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?

No View

Please explain your views::

7 Do you agree with the proposals for regulations relating to the Evidence Report?

No View

Please explain why you agree or disagree::

8 Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?

No View

Please explain why you agree or disagree::

9 Do you agree with the proposals for regulations relating to the examination of the LDP?

No View

Please explain why you agree or disagree::

10 Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?

No View

Please explain your view::

11 Do you agree with the proposals for regulations relating to Development Plan Schemes?

No View

Please explain why you agree or disagree::

12 Do you agree with the proposals for regulations relating to Delivery Programmes?

No View

Please explain why you agree or disagree::

13 Do you agree with the proposals for regulations relating to the meaning of 'key agency'?

No View

Please explain why you agree or disagree::

14 Do you agree with the proposals for regulations relating to transitional provisions?

No View

Please explain why you agree or disagree::

PART C – Draft Guidance on Local Development Planning

15 Do you agree with the general guidance on Local Development Plans?

No View

Please explain why you agree or disagree::

16 Do you agree with the guidance on Development Plan Schemes?

No View

Please explain why you agree or disagree::

17 Do you agree with the guidance on the Delivery Programme?

No View

Please explain why you agree or disagree::

18 Do you agree with the guidance on Local Place Plans?

No View

Please explain why you agree or disagree::

19 Do you agree with the guidance on the Evidence Report?

No View

Please explain why you agree or disagree::

20 Do you agree with the guidance on the Gate Check?

No View

Please explain why you agree or disagree::

21 Do you agree with the guidance on the Proposed Plan?

No View

Please explain why you agree or disagree::

22 Do you agree with the guidance on Local Development Plan Examinations?

No View

Please explain why you agree or disagree::

23 Do you agree with the guidance on Adoption and Delivery?

No View

Please explain why you agree or disagree::

24 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240–247)?

No View

Please explain why you agree or disagree::

25 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places (paragraphs 248 – 283)?

No

Please explain why you agree or disagree::

We welcome the use of the stewardship concept in Figure 7, but we would also add historic environment under this heading in the diagram. We have long argued that there are opportunities for local communities to take part in the stewardship and enhancement of local heritage, which can have benefits for access and recreation and should feed into local development planning considerations. In this way the historic environment closely parallels the natural environment in terms of both stakeholder opportunity and the potential for positive beneficial outcomes.

Reference to the culture, heritage, and nature would also be a helpful addition to the Liveable Places box of figure 6.

26 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places (paragraphs 284 – 296)?

No View

Please explain why you agree or disagree::

27 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310)?

No

Please explain why you agree or disagree::

We would be happy to agree the guidance in this section subject to making the following suggested changes:

It is deeply concerning that there is no reference to Historic Environment Records (HERs) in this document in a number of places where such reference is vital and should have been obvious. We cannot stress the importance of this oversight enough.

Figure 6 (page 56) should include HERs within the bullet point list for Distinctive Places.

Paragraph 300 also omits reference to HERs in the list of records which must be consulted in compiling the Evidence Report. The HER is likely to be the most vital source of information on the historic environment for the purposes outlined.

We support the recognition of possible need to coordinate the identification of vacant and derelict land with the need to manage historic environment assets in paragraph 302, however we note that the Buildings at Risk Register only provides a partial view of where interests may compete and therefore cannot be the main touchstone for assessing heritage needs and opportunities. Rather, HERs should be the principle source of information on historic environment assets on vacant and derelict land. This is because the lists of assets in an HER is not limited to designated or extant buildings, but also contains information on other non-designated assets such as buried archaeological remains and structures. It may also be helpful to recognise that some vacant and derelict land will be of high archaeological potential, even if there are no known assets on the site and that the need for archaeological evaluation will be necessary in these cases as part of any development proposals.

We note that since this draft was published, ALGAO Scotland has published its Guidance for Peatland Restoration and the Historic Environment in Scotland (ALGAO 2022) and that this may provide a helpful source of information to be included in paragraph 307.

28 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)?

No

Please explain why you agree or disagree::

In Figure 11, 'Approach', bullet point 8, and in paragraph 319, we note that the presentation of aspects of sustainable land use management are presented as 'tensions'. We do not fully understand why the need for the negative language, but it appears to be part of a wider problem that, throughout this document and NPF4, the historic environment is seen as a brake on development. This both sets an unfortunate and inaccurate tone about land use management and the contribution that the historic environment can play in ensuring positive contributions to sustainable places. We recommend rephrasing to remove the word 'tensions'.

We would welcome the addition of a reference to the historic environment in paragraph 327, to better reflect its inclusion in the NPF4's 6 qualities of successful places.

29 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places (paragraphs 329 – 400)?

No View

Please explain why you agree or disagree::

30 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places (paragraphs 401 – 424)?

Yes

Please explain why you agree or disagree::

We welcome the reference to the relevance of the historic environment to tourism (paragraph 411), and to design considerations for Digital Infrastructure. These are both references which are peculiarly missing in NPF4.

31 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)?

No

Please explain why you agree or disagree::

We strongly support the inclusion of 'valued places' in paragraph 438, but we would welcome improved reference to "all valued designated and non-designated historic environment assets and places of local, regional, national, or international significance" which provides more clarity as to the scope.

Paragraph 439 should recognise 'non-designated assets' as well as designations, and should also reference 'areas of high archaeological potential' which are important in understanding the likelihood of discovery of below ground heritage assets. This is necessary because around 95% of known assets are undesignated, and many below ground assets are unknown prior to evaluation undertaken ahead of development proposals. This 'archaeological potential' can, however, often be predicted with reference to specialist expertise and therefore appropriate mitigations in development planning can be set.

We also do not feel that the following sentence "key issues / historic environment / cultural heritage projects..." is a clear enough way to scope additional points and would prefer this to be rephrased as "any other relevant historic environment data, such as historic landscape characterisation, heritage projects, and Conservation Area Regeneration Schemes".

We also recommend redrafting paragraph 439 (or a new subsequent paragraph) in order to add additional details about how LPAs will be expected to identify these issues. This should make clear reference to LDPs' maintenance of an up to date Historic Environment Record (HER), historic environment specialist staff (in conservation and archaeology), and any other relevant local information about the historic environment.

We consider that paragraph 441 contains an overly negative statement on LDP obligations to avoid 'significant impact' to the cultural significance of assets. Firstly, this oversimplifies the process of managing change to heritage assets, which regularly means impacts on significance are considered and weighed against other benefits. It is right that LDPs should seek to minimise harm to the significance of heritage assets, but development can also enhance the significance of heritage assets, or offset harm to physical assets' significance by creating new significance (through archaeological investigation of assets affected by development). This paragraph, at a minimum, should recognise the desirable potential for cultural significance of heritage assets to be enhanced by development. This could be done in a range of ways, for example: (1) by better revealing the assets significance, (2) by developing a better understanding of it as a result of archaeological works undertaken in the course of development, (3) through the facilitation of greater access to heritage assets and greater public enjoyment of them (e.g. by creating public space around assets or by adding interpretation describing archaeology, history, or local heritage stories).

We note with reference to paragraph 451 (as explained above) that the identification of vacant and derelict land needs to take into account the likelihood that known or unknown historic environment assets are likely to be present on many such sites. In the vast majority of cases, the need to evaluate and manage these assets will not prevent the viable reuse or redevelopment of such land, but will be a factor that will need to be considered.

We would support a reference to the historic environment being added in paragraph 453.

32 Do you agree with the proposed thematic guidance on the Delivery Programme (paragraphs 467 – 482)?

No View

Please explain why you agree or disagree::

About you

What is your name?

Name:

Rob Lennox

What is your email address?

Email:

rob.lennox@archaeologists.net

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Chartered Institute for Archaeologists

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly dissatisfied

Please enter comments here.:

This was a very long and complicated consultation.

I found the design of questions using a simple yes/no answer for 'do you agree...' to be frustrating. We were forced to answer 'no' to any question where we had minor comments.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.:

We would welcome an option to submit a written document being made clear on Citizen Space. This is because in many cases we would benefit from being able to use text formatting (e.g. bullet points) in our responses.