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Dear Ms Thomson,

Consultation on a Policy on Scottish Planning Policy: Consultation Draft

Thank you for the opportunity to comment on this draft policy document.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

IfA's Scottish Group has over 200 members practising in the public, private and voluntary sector in Scotland. Furthermore, IfA is a member of the Built Environment Forum Scotland (BEFS), a network organisation that brings together non-governmental organisations and professional bodies that work with Scotland's built environment.

Scottish Planning Policy: Consultation Draft

General

IfA's concern in responding to this consultation is with the formulation and application of planning policy insofar as it relates to, or impacts upon, the historic environment. IfA responded to previous consultations on the terms of current Scottish Planning Policy (SPP) (2010) by letters to Scottish

Government dated 18 June, 2009 and 12 November, 2009. In the latter response the Institute welcomed the inclusion of *'additional references to the need to protect and enhance ... landscape and cultural heritage from inappropriate development, and to view their management as a positive and integral part of sustainable development'* (as indicated at paragraph 3.12 of the SEA Environmental Report, Annex A) and was pleased to see such sentiments reflected in the SPP when published.

The focus of the revised document now under consideration is sustainable economic growth, as made clear by draft paragraph 15:

'The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth'.

That is understandable in current circumstances and unobjectionable, provided that 'sustainable economic growth' is clearly defined and that growth is truly sustainable. Sustainability requires an even balance between *'economic, social and environmental objectives'* (acknowledged in draft paragraph 24 in relation to sustainable development).

The primary concern of the Institute is that there is a shift in tone and emphasis in the revised draft, putting too great an accent upon growth, potentially at the expense of sustainability (including the management and protection of the historic environment). This concern is elaborated below in response to specific questions.

With regard specifically to the historic environment, IfA would like to see more consistent use of language throughout the consultation draft. The terms 'built environment' (for instance, at draft paragraphs 17 and 105 and in the Glossary defining Green Infrastructure), 'built heritage' (for instance, at draft paragraphs 56 and 167), 'built and cultural heritage' (for instance, at draft paragraph 43), 'cultural heritage' (for instance, at draft paragraph 69 and in the Glossary defining Flood Risk), 'cultural heritage, including the historic environment' (at draft paragraph 27) and 'historic environment' (for instance, at draft paragraphs 212 and 220) are all used in the document, at times seemingly interchangeably. Unless the context demands otherwise, the term 'historic environment' (which includes both standing and buried archaeological remains) should be used consistently and, if the term 'natural environment' is to be used, as a counterpoint to that.

Specific Questions

Question 1: Do you think that the measures outlined in paragraphs 15 to 23 are appropriate to ensure that the planning system supports economic recovery and sustainable economic growth?

1.1 No, insofar as the revised draft puts too great an accent upon growth, potentially at the expense of sustainability (including the management and protection of the historic environment).

1.2 Thus, for instance, paragraph 17 states that the planning system should *'attach significant weight to economic benefit of proposed development as a material consideration ...'* (contrast *'...take a positive approach to development ...'* in paragraph 33 of the current SPP), a strengthening of policy in this regard. It does not say (here or elsewhere) that significant weight should be attached to protection of the historic environment (or any other environmental considerations)¹, which would be expected if the approach really is one seeking sustainable growth.

1.3 Paragraph 17 also refers to supporting new investment *'while protecting and enhancing the quality of the natural and built environments as assets of national importance'*. The historic environment (a concept which is wider than the built environment, including buried remains and other archaeological material which is not necessarily 'built': see concerns over precise and

consistent use of language above) is a national asset and some of the heritage assets within it are nationally important. However, the current phrasing of paragraph 17 might be interpreted to mean that only designated assets which are of national importance should be safeguarded when promoting increased economic activity. (A similar reference to protecting and enhancing the built environment as an asset of national importance is found at paragraph 105.) Further detailed concerns relating to the whole of the document (and, in particular, the section on Valuing the Historic Environment) are set out below under question 23.

1.4 IfA acknowledges the need for the planning system, where possible, to facilitate economic recovery but this can only sensibly be done by facilitating development which is truly sustainable. Sustainable economic growth needs to be clearly defined and its relationship to sustainable development made apparent.

Question 2: Do you think that local authorities should prepare town centre health checks, as set out in paragraph 55?

2.1 Yes. The National Review of Town Centres External Advisory Group Report: *Community and Enterprise in Scotland's Town Centres* (2013) 'seeks a new narrative for our towns, with communities fully engaged and involved in forming it' (page 15). This is commendable but would be better phrased as a new chapter in an old narrative since Scottish Government recognises the important role of the historic environment in contributing to 'attractive and richly textured townscapes [which] promote Scotland as a good place to live and work' (paragraph 117, SHEP (2011)).

2.2 Consequently, town centre health checks should take full account of the historic environment and its contribution to the vitality of Scotland's town centres.

If so, how often do you think they should be updated?

2.3 Preferably every 2 years, providing that sufficient additional resources are made available for this task.

Are there other health check indicators you think should be included in the SPP?

2.4 If development in town centres is to be truly sustainable, these should include indicators relating to the historic environment (for instance, heritage assets at risk). The examples of indicators set out at paragraph 55 should be revised to include 'the historic environment' which does not clearly fall within 'cultural and social activity'. The historic environment is wider than 'built heritage' and includes buried and other archaeological remains (which have a significant part to play in this continuing narrative).

Question 3: Do you think that local authorities should prepare town centre strategies, as set out in paragraph 56?

3.1 Yes. We welcome the express reference to safeguarding and enhancing built heritage as part of the remit of such strategies, although we would prefer to see the revised SPP and town centre strategies refer to and address the historic environment rather than solely built heritage (see above).

Question 4: Do you think the town centre first policy should apply to all significant footfall generating uses and the sequential test be extended to this wider range of uses, as outlined in paragraphs 63 to 67?

An alternative would be to apply the sequential test to retail and all leisure development, no longer limiting leisure to commercial development. Do you think this is the appropriate approach?

4.1 No comment.

Question 5: Do you think the approach to spatial strategies for rural areas outlined in paragraphs 68 to 71 is the appropriate approach?

5.1 Yes, save that

(i) the reference to protecting and enhancing 'natural and cultural heritage' (which IfA fully supports) might better be phrased 'the natural and historic environment' and
(ii) the word 'environmental' in paragraphs 68 and 71 should be linked to a definition of 'the environment' (logically in the Glossary) which expressly embraces both the natural and the historic environment.

5.2 Notwithstanding the caveats expressed above, IfA welcomes the identification of cultural issues in this regard including landscape issues.

Question 6: Do you think explaining a 'generous' housing land supply as allowing an additional margin of 10 to 20%, as set out in paragraph 85, is the appropriate approach?

An alternative would be to state that a generosity factor should be added to the land supply, and that this may be smaller in areas where there can be confidence that the sites identified in the plan will be developed in the plan period, and larger in areas where there is less confidence in the deliverability of the land supply. Do you think this is the appropriate approach?

6.1 IfA is concerned that too generous an approach to housing land supply in development planning will risk avoidable harm to the historic environment and other environmental interests. Land supply issues are not the only reason for housing not coming forward, particularly in times of recession. Although paragraph 84 recognises '*wider economic, social and environmental factors, including issues of capacity, resource and deliverability*' the revised draft SPP lacks the balance in this regard provided by paragraph 76 of the current SPP.

6.2 For these reasons, the Institute prefers the alternative approach (a discretionary 'generosity factor') and wishes to see it accompanied by a more balanced approach to growth in this and other respects.

Question 7: Do you think that authorities should be able to include an allowance for windfall development in their calculations for meeting the housing land requirement, as set out in paragraph 86?

7.1 Yes, provided that there is cogent evidence to support the inclusion of such an allowance.

Question 8: As set out in paragraph 87, do you think strategic development plans should set out the housing supply target:

- a. only for the strategic development plan(SDP) area as a whole;**
- b. for the individual local authority areas;**
- c. for the various housing market areas that make up the SDP area; or**
- d. a combination of the above?**

8.1 Whichever approach is adopted it should be flexible enough to avoid a rigid 'predict and provide' approach and allow full account to be taken, throughout the process, of environmental as well as social and economic considerations.

Question 9: Do you think the approach to how National Parks address their housing land requirements, as set out in paragraph 90, is the appropriate approach?

An alternative would be for National Park authorities to assess and meet housing requirements in full within their areas. Do you think this is the appropriate approach?

9.1 Whichever approach is adopted, it should reflect the precedence given to conservation of natural and cultural heritage in National Parks.

Question 10: Do you think the approach to identifying the 5-year effective land supply, as set out in paragraph 91, is the appropriate approach?

An alternative approach would be for the supply in strategic development plan areas to be calculated across local development plan areas. This would require strategic development plans to set out housing supply targets for each local development plan. Do you think this is the appropriate approach?

10.1 Whichever approach is adopted, Scottish Government should ensure that land supply provision is sustainable insofar as it takes full account of environmental as well as social and economic considerations.

Question 11: Do you think that the level of affordable housing required as part of a housing development should generally be no more than 25%, as set out in paragraph 97?

11.1 No comment.

Question 12: Do you think that the approach to addressing particular housing needs, as outlined in paragraphs 100 to 103, is appropriate?

12.1 No comment.

Question 13: Do you think the regular review of marketable sites for business, as set out in paragraph 110, should take the form of ‘business land audits’ in order to ensure identified sites are marketable?

13.1 No comment.

Question 14: Do you think that the provision of green infrastructure in new development should be design-led and based on the place, as set out in paragraph 163?

14.1 Yes, provided that such an approach takes full account of the historic environment. IfA endorses the view expressed at paragraph 158 of the draft SPP that *‘Planning authorities should adopt a holistic, integrated approach that promotes consistency between the development plan and strategies covering aspects of green infrastructure’* and would like to see the emerging historic environment strategy identified as one such strategy.

Question 15: With reference to paragraphs 214 to 215, do you think heat networks should be developed ahead of the availability of renewable or low carbon sources of heat?

15.1 No comment.

Question 16: With reference to paragraph 218 and subsequent groups, do you think that the proposed increased community separation distance of up to 2.5km is appropriate?

16.1 Yes, on the understanding that where ‘*specific local circumstances and geography*’ mean that there is visual impact over a distance greater than 2.5km (for instance, on the setting of a heritage asset), this will be fully taken into account in assessing any specific application.

Question 17: With reference to paragraphs 216 to 219, do you think the proposed approach to spatial frameworks achieves the right balance between supporting onshore wind development and protecting the natural environment and managing visual impacts on communities?

17.1 IfA is concerned with achieving the right balance between supporting onshore wind development and protecting the historic environment – an issue which is not adequately reflected in the question.

17.2 Paragraphs 216 to 219 should be reconsidered with the protection of the historic environment (including historic landscapes as well as smaller-scale heritage assets) in mind. In the first instance, in paragraph 218 World Heritage Sites should be promoted to Group 1 (‘Areas where wind farms will not be acceptable’) and battlefields might be added to ‘Areas safeguarded by planning policies’ in Group 2, but a more comprehensive reappraisal is required.

Question 18: Do you think the SPP could do even more than is drafted in paragraphs 222 to 224 to secure community benefits from renewable energy developments while respecting the principles of impartiality and transparency within the planning system?

18.1 Yes. The rationale for imposing planning conditions and obligations in relation to the historic environment is ultimately public benefit. This should be reinforced, not only in this section, but also in the section on Valuing the Historic Environment where express reference should be made to mechanisms for securing such public benefit.

Question 19: Do you think the planning system should promote provision for broadband infrastructure (such as ducting and fibre) in new developments so it is designed and installed as an integral part of development, as set out in paragraph 230?

19.1 Yes. It is assumed that such provision would be internal and unlikely to have any significant effect on the historic environment. If this were not to be the case there should be adequate safeguards for the historic environment.

Question 20: Do you think that Strategic Flood Risk Assessment should inform the location of development, as set out in paragraph 239?

20.1 No comment.

Question 21: With reference to paragraphs 245 to 247, do you think that where the Scottish Environmental Protection Agency (SEPA) has already granted a Controlled Activities Regulations (CAR) licence then there should be no need for consideration of water and drainage issues by the planning system?

21.1 Provided that SEPA in granting such a licence would have considered all issues relating to water and drainage which are legitimate matters for consideration under the planning system.

Question 22: With reference to paragraphs 248 to 262, do you think that planning policy for waste management should be consolidated into the SPP to be clear on the messages and to remove the need for further narrative in Annex B of the Zero Waste Plan?

22.1 No comment.

Question 23: Do you think the proposed new structure and tone of the draft SPP is appropriate?

23.1 No. The revised draft puts too great an accent upon growth, potentially at the expense of sustainability (including the management and protection of the historic environment). This has already been addressed under question 1. Other examples of this imbalance include

(i) the loss of the express link with sustainable growth in the section on Valuing the historic environment. (Contrast paragraph 110 in the current SPP which clearly identifies the role of the historic environment *contributing to sustainable economic growth and regeneration* and goes on to emphasise the contribution to sustainable development.) This is a significant omission given the major thrust of the revised SPP in reinventing the promotion of sustainable growth

(ii) the policy principles under Enabling Delivery of New Homes state that the planning system should *'enable provision of ... housing in accessible locations'* (paragraph 80). However, the current edition (paragraph 66) refers to 'sustainable' rather than 'accessible' locations. The latter is narrower in application than the former. A development may be accessible, but still be unsustainable (for instance, because it damages the natural or historic environment)

(iii) a design-led approach is advocated in the section on Placemaking and design is said to be something *'that provides value'* (draft paragraph 39). Yet paragraph 39 goes on to say that this can be one of a number of alternatives (the word is 'or' at the end of the fourth bullet point) which includes *'viability – provides good value for money'*. This has to be balanced with other factors (which, in fairness, are set out, but as alternatives). The concern with the current draft is that viability alone may be used to justify development which is otherwise objectionable

(iv) the specific policy section on Green Belts in the current edition appears in the draft (ironically) as part of the section on 'Location of New Development'. This does not mean that the policy on Green belts is necessarily wrong, but it strikes the wrong tone.

23.2 By contrast with the increased emphasis upon growth, the section on the historic environment (renamed 'Valuing the Historic Environment') has been edited and substantially reduced in length in such a way as potentially to undermine the promotion of sustainable development. Before dealing with the detailed proposals for a revised SPP policy section on the historic environment, it is important to ask what change is necessary to the current SPP provision? Although there are a few specific matters (up-dating to reflect current topics such as battlefields and clarifying other provisions such as those relating to archaeological discoveries post-permission), generally, we are not aware that policy in this respect is not, for the most part, functioning effectively.

23.3 Specific issues with the draft section on Valuing the Historic Environment include the following:

(i) paragraph 114 should provide the foundation for a policy section which highlights the historic environment as part of the solution (sustainable development) and not part of the problem (a constraint on development). Paragraph 110 of the current SPP does this much better. (See above for specific concerns about the loss of the clear link with sustainable development in this paragraph)

(ii) the second bullet point of paragraph 115 effectively replaces paragraph 111 of the current SPP, but adds a specific reference to enabling development (repeated under paragraph 118) which seems out of place under Policy Principles and reinforces the development-led tone of the paragraph. The current paragraph is preferable. It

- provides a helpful indication of what Scottish Government regards as the historic environment in policy terms

- makes clear as a matter of principle that planning policy should address both designated and non-designated heritage assets
- distinguishes between buildings and other archaeological remains
- provides a positive approach to enabling change (which is important) without putting too much stress on development (as opposed to sustainable development)

(iii) paragraph 116 refers to strategic development plans protecting and promoting '*strategically important elements of the historic environment*'. It is true that strategic plans should address strategic issues. What is missing, however, is the general reference in the current SPP (paragraph 112):

'Development plans should provide the framework for the protection, conservation and enhancement of all elements of the historic environment to allow the assessment of the impact of proposed development on the historic environment and its setting.'

Without this, the impression could be created that what we are concerned with is just '*strategically important elements of the historic environment*' (whatever they may be – there is no definition in the draft policy – but they are unlikely to be the undesignated historic environment or even some parts which are designated). The brief references to local development plans in paragraph 117 do little to correct this imbalance

(iv) environmental capacity is helpfully dealt with in the current SPP (paragraph 112), but not in the current draft

(v) the provisions on listed buildings and conservation areas in paragraphs 118 and 119 do little more than recite statutory duties and do not provide a meaningful lead on Scottish Government policy

(vi) paragraph 119 omits some useful material in the current paragraphs 115-117, for instance, highlighting the need to address the effect of development outside a conservation area on its character and setting

(vii) paragraph 120 unduly edits paragraphs 118-119 of the current SPP. For instance, the last sentence of the proposed policy no longer talks in terms of ensuring '*that development will not adversely affect the integrity and setting of scheduled wreck sites or wrecks designated under the Protection of Wrecks Act 1973 or the Protection of Military Remains Act 1986*'

(viii) loss of the recognition in paragraph 124 that '*Archaeological sites and monuments are an important, finite and non-renewable resource*' (which appears at paragraph 123 of the current SPP). This recognition underlies much of the policy approach to dealing with archaeological remains and its omission helps to undermine policy provision in this regard. Contrast this with the continuing recognition two paragraphs later that '*ancient and semi-natural woodland [are] an important and irreplaceable resource*'. (See also draft paragraph 152)

(ix) failure to highlight the need for planning authorities to ensure that they have access to a professionally supported and maintained Sites and Monuments Records or Historic Environment Records. It is true that more detailed advice appears in PAN 2/2011. However, SMRs/HERs and the professional services that support them play a crucial role in the decision making of planning authorities and should be highlighted at the highest level. If a fully supports Archaeology Scotland and others in their request to have this provision re-inserted in the draft SPP. Similarly, the securing of appropriate measures in relation to the historic environment by the use of conditions and legal agreements is a key mechanism in the management and protection of the historic environment and should continue to be endorsed at this high level.

23.4 It might be argued that the current historic environment section of the SPP provides too much factual information (for instance, reciting statutory duties) and should concentrate on high level policy. That may be right, but to strip out policy and leave a bland recital of statutory duties (as is largely the case with listed buildings and conservation areas in paragraphs 118 and 119) aggravates rather than solves the problem.

23.5 It is also said (at paragraph 5 of the draft document) that the SPP should not repeat policy and guidance elsewhere. However, it should provide a framework from which other planning policy and guidance derives. To suggest, for instance, that we do not need to deal with an issue which is already in PAN02/2011 is to confuse cause and effect. The justification for expanding upon policy in the PAN is the extant SPP. Of course PAN 02/2011 is a pre-existing and more detailed exposition of policy, but if we justify an omission from SPP because it is already dealt with in detail in the PAN, Scottish Government is trying to pull itself up by its own boot straps. In any event, the draft should be linked more explicitly to SHEP and PAN 02/2011 than occurs at present through (the draft SPP currently only identifies those documents as Key Referencesⁱⁱ).

23.6 Moreover, the deletion of so much material from a recent predecessor is likely to be interpreted as a downgrading of protection of the historic environment, particularly if the remaining material is presented with an unbalanced emphasis upon growth. Nor is conciseness synonymous with clarity. Omissions and lack of emphasis at a high level are likely to be exploited in Inquiry with potentially harmful results for the historic environment.

23.7 Scottish Government elsewhere recognises '*...the huge value which the historic environment has in its own right. Not only as evidence of past creativity and ingenuity, but also in terms of other values, through its contribution to social fabric, community cohesion and economic wellbeing.* [Fiona Hyslop, Scottish Government's Cabinet Secretary for Culture and External Affairs, in a speech to BEFS on 13 June 2013] *'The heritage sector does not need to make a new economic case to justify public support for its work.'* These sentiments are not fully reflected in the draft revised SPP (compare these words with those in draft paragraph 114) which should be revised to emphasise that the management and protection of the historic environment is central to sustainable growth (and development). Without such revision the revised SPP and the emerging Historic Environment Strategy may end up in conflict.

23.8 In its current form IfA is also concerned that the revision may in practice result in a loss of protection for the historic environment. The annotated draft accompanying this response provides an indication of how the draft guidance might be revised to address some (but not all) of these concerns.

Question 24: Do you think the SPP should and can be monitored? If so, how?

24.1 No Comment.

Question 25: Do you think the SPP could be more focused? If so, how?

25.1 The SPP should be more focused on sustainable development and less focused on growth per se.

Question 26: In relation to the Equalities Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on any particular groups of people.

26.1 No comment.

Question 27: In relation to the Equalities Impact Assessment, please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

27.1 No comment.

Question 28: In relation to the Business and Regulatory Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on business.

28.1 No comment.

Question 29: Do you have any other comments? If so, please specify the relevant section and/or paragraph.

29.1 No comment.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,



Tim Howard LLB, Dip Prof Arch
Policy Advisor
Institute for Archaeologists

ⁱ Paragraph 73 refers to planning decisions reflecting a weighting in favour of preserving natural and cultural heritage in National Parks.

ⁱⁱ Scotland's Historic Environment Data (SHED) Strategy and Scotland's Historic Environment Strategy should be added to the key documents if published prior to the publication of the revised SPP.

Valuing the Historic Environment

NPF Context

114. ~~The historic environment includes ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and designed landscapes and other features. It comprises both statutory and non-statutory designations and non-designated assets. The location of historic features in the landscape and the patterns of past use are part of the historic environment.~~
~~The historic environment~~ It is a key cultural and economic asset contributing to sustainable economic growth and regeneration. It is of particular importance for supporting the growth of tourism and leisure, and contributes to sustainable development through the energy and material invested in buildings, the scope for adaptation and reuse and the unique quality of historic environments which provide a sense of identity and continuity for communities and enrich our lives. ~~Planning has an im portant role to play in maintaining and enhancing those distinctive and high quality historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry. The Scottish Government's policy on the historic environment is further elaborated in the key documents listed below which should inform development planning and are material considerations in decision making.~~

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Comment [TH1]: Much greater emphasis on sustainability.

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Policy Principles

115. The planning system should:

- promote the care and protection of the designated and non-designated historic environment, including the individual assets, related settings and the wider cultural landscape.
- enable change to the historic environment which is informed by a clear understanding of the importance of ~~built the heritage assets affected and their viability over the long term~~. Change should be sensitively managed to avoid or minimise any adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are retained. ~~Enabling development may be acceptable where it can be shown to be the only means of retaining a historic asset and it comprises the minimum necessary to enable its conservation and reuse.~~ Sometimes, however, the nature or importance of the asset may mean that change may be difficult or not possible. Assets should be protected from ~~demolition or other work~~ that would adversely affect ~~it them~~ or ~~its their~~ setting.

Comment [TH2]: As drafted, this general principle is buildings orientated. It should either be revised to address all assets or (as the current SPP does) expressly exclude other archaeological material (to be dealt with elsewhere).

Comment [TH3]: This is repeated in paragraph 118 where it is more appropriate. Highlighting this detailed matter in very brief general principles helps to unbalance the relationship between development / growth and environmental stewardship which is at the heart of sustainable development / growth.

Comment [TH4]: This is directed at buildings and is better added to the paragraph(s) on listed buildings

Key Documents

- Scottish Historic Environment Policy⁴² – currently under review, remains in force until replaced
- Managing Change in the Historic Environment – Historic Scotland's guidance note series⁴³
- Planning Advice Note 2/2011, Planning and Archaeology⁴⁴
- Planning Advice Note 71, Conservation Area Management⁴⁵

Comment [TH5]: Add SHED Strategy and Historic Environment Strategy, if available as key documents.

Delivery

Development Planning

116. Development plans should provide the framework for the protection, conservation and enhancement of all elements of the historic environment to allow the assessment of the impact of proposed development on the historic environment and its setting. Strategic development plans should protect and promote the strategically important elements of the historic environment. They should and take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

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Comment [TH6]: Delete this or provide a clear definition of 'strategically important elements of the historic environment'. Without the more general introduction from the current SPP the brief reference at the top of the section to protecting and promoting the 'strategically important elements of the historic environment' might give the impression (albeit that this in a strategic context) that development plans generally are only concerned with assets of national importance (effectively, designated) notwithstanding the reference in paragraph 117 to 'significant implications and opportunities for the historic environment'.

117. Planning authorities should consider any significant implications and opportunities for the historic environment when preparing the spatial strategy. Local development plans should designate and review conservation areas and identify existing and proposed Article 4 Directions. This should be supported by Conservation Area Appraisals and Management Plans.

42 <http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm>

43 <http://www.historic-scotland.gov.uk/index/heritage/policy/managingchange.htm>

44 <http://www.scotland.gov.uk/Publications/2011/08/04132003/0>

45 <http://www.scotland.gov.uk/Publications/2004/12/20450/49052>

Scottish Planning Policy

Development Management

118.(1) Where planning permission and listed building consent are sought for development affecting a listed building, special regard must be given to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. There is a presumption against demolition or other works that will adversely affect a listed building or its setting.

Comment [TH7]: This isn't policy; it's a statutory duty. So what is Scottish Government's high level policy on listed buildings other than to comply with its statutory duties and to permit enabling development?

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(2) Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building and it comprises the minimum necessary to enable its conservation and reuse.

119. Proposals for development within conservation areas should preserve or enhance their character and appearance. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area. Where the demolition of an unlisted building is proposed, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders⁴⁶ can increase the protection given to such trees.

Comment [TH8]: Again, restating a statutory duty. What is lacking is a policy position apart from with regard to demolition of unlisted buildings.

120. Where there is potential for development to affect a scheduled monument, the planning authority should protect the monument in situ and in an appropriate setting,

unless there are exceptional circumstances. Planning authorities should protect the integrity of scheduled or designated wreck sites where planning control extends beyond the shoreline and ensure that development will not adversely affect the integrity and setting of such sites.

Comment [TH9]: Define to include HMPAs and POWA & PMRA sites

121. Where a development proposal has the potential to affect a World Heritage Site, the planning authority should protect and preserve its Outstanding Universal Value.

122. Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the current Inventory of Gardens and Designed Landscapes. Relevant policies should be included in local development plans. The effect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications.

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123. Planning authorities should protect, conserve and, where appropriate, seek to enhance the key landscape characteristics and special qualities of sites on the current Inventory of Historic Battlefields.

124. Archaeological sites and monuments are an important, finite and non-renewable resource. Consideration should be given by planning authorities to the presence and potential presence of archaeological assets when allocating sites in the development plan and when making decisions on planning applications. Planning authorities should protect archaeological sites and monuments, whether scheduled or unscheduled, and preserve them in situ wherever possible. Where in-situ preservation is not possible, planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development, should be sought. Consideration should be given to the presence and potential presence of archaeological assets. If discoveries are made during any development, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording. Non-designated assets should be preserved in situ, in an appropriate setting wherever possible.

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Comment [TH10]: Although this is picked up in the last sentence, the lack of reference earlier in the paragraph may give the impression that the bulk of the paragraph relates solely to designated assets

Comment [TH11]: This is a key mechanism for protecting archaeological assets and we would like to see it expressly endorsed at the highest level.

Comment [TH12]: This is an improvement over the current provision.

Other Historic Environment Interests

125. There is a range of non-designated historic assets and areas of historical interest, including battlefields, historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in-situ wherever feasible. The effect of new development on these resources should be considered by planning authorities when allocating sites in the development plan and when making decisions on planning applications. Planning authorities should ensure they have access to a professionally supported and

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maintained Sites and Monuments Record or Historic Environment Record that contains necessary information about known historic environment features and finds in their area.

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Comment [TH13]: The whole of paragraph 124 of the current SPP is useful, but this last sentence is critical. Although more detailed advice appears in PAN 2/2011 SMRs/HERs and the professional services that support them play a crucial role in the decision making of planning authorities and should be highlighted at the highest level. IfA fully supports Archaeology Scotland and others in their request to have this provision re-inserted in the draft SPP.

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