



Historic Environment Scotland

By email only

3 December 2018

Historic Environment Scotland - Historic Environment Policy Consultation

Dear Sir / Madam,

Homes for Scotland welcomes the opportunity to comment on the draft Historic Environment Policy (HEP). We consider that a document focused principally on decision-makers, rather than covering all Historic Environment Scotland's (HES) wider work is worthwhile in principle and could help to make the policies more accessible.

As the document is high-level in the policies and principles it sets out, we have kept our comments relatively brief at this stage. However, we note that the document is the first of a suite of new policy documents to be consulted upon. We understand these will include more detailed guidance on demolition, alterations, and Historic Environment Scotland's (HES) statutory duties / processes in addition to the retention of the Managing Change document. We look forward to the opportunity to comment on these more detailed documents in due course.

Overall, we welcome the HEP document. However, some of the policies could benefit from greater clarity and a recognition that there will be instances where cultural heritage needs to be balanced against other important public benefits arising from new development. We note that the policies and principles set out are quite general at this stage and we will see how this translates into more specific policies. It will be important that the guidance takes a pragmatic approach to the complexities and challenging viability of development involving heritage assets and that further complications and barriers are not added to the planning system. These would deter investment and make proportionate decisions harder to reach.

Principles and Policies

This section of the document sets out what could be interpreted as a rather broad conception of cultural heritage with reference to physical and material elements as well as other 'intangible' elements. It will be key that care is taken when translating this into more detailed policies.

There could be a risk that vague policies could potentially be misinterpreted and misrepresented. This would be inconsistent with the aims stated later in the document of providing a consistency and proportionality in decision making. Whilst we would agree with taking a holistic approach, it is important that this does not extend the scope of legal and policy protections on designated heritage assets. Such a strict regime would not be the appropriate way of dealing with less clearly defined or intangible areas of cultural heritage.

Furthermore, it would not be appropriate for the same level of detail to be required for a planning application relating to a non-designated area or object deemed to potentially have some cultural heritage significance as an application dealing with a designated heritage asset. A proportionate approach is necessary recognising the resourcing constraints of Local

Authorities and the already significant cost of submitting a planning application and the implications of further costs especially for smaller home builders.

Managing Change

We fully support the core principle that change has to happen for places to thrive. Scotland has a growing population and the development of new homes to meet the needs of the population is both essential and brings with it important social and economic benefits. New homes also bring with them new audiences / admirers of heritage assets and can help to ensure that those which rely on visitors for revenue remain viable.

In this regard we consider that the wording of Policies HEP 2 and HEP 3 should be amended to better reflect the core principle that change has to happen to ensure places can thrive. It is also important that policies recognise and can provide guidance for situations where there may be loss of significant elements, components or assets to achieve wider public benefits (i.e. economic, social, environmental etc.).

Without adopting a more balanced approach, Policy HEP 2 could potentially lead to undesirable outcomes where proposals delivering significant public benefits are delayed or refused planning permission as they are deemed have a negative impact upon objects or areas which have modest or even limited cultural significance. Both Policy HEP 2 and HEP 3 should be amended to make clear that the level of significance of the cultural heritage and any loss to this (through an individual proposal in the case of HEP2 or a Strategic Plan for HEP3) should be balanced by the decision maker against other public benefits of the proposal.

Scotland faces a significant challenge in providing for the level of new home building and infrastructure which is required. This is a very significant issue which needs to be given due attention in decision making. We consider the proposed changes to Policies HEP 2 and 3 would reflect this and be consistent with the core principle of promoting transparent, robust, consistent and proportionate decisions.

The consultation document goes on to state that

“These principles apply to the whole of the historic environment. In some cases, sites are identified through legal designations, such as listing buildings. These can bring more formal obligations.” (P.3)

We consider that this distinction between the policy approach to legal designations, which can bring formal obligations, and other broader conceptions of cultural heritage is important and supported. Homes for Scotland would not support any increase in the scope of statutory designations / formal heritage designations beyond those which already exist such as listed buildings and scheduled monuments. These designations rely on expert evidence and consideration and their implications for planning and other decisions is reasonably well understood. An extension in the use of designations would add unnecessary complexity to the planning process hindering decision making.

The broader, less formal conception of the historic environment / cultural heritage is one which the planning system does already deal with. For instance, there is a statutory requirement to undertake pre-application consultation on Major Developments. The production of Local Development Plans involves extensive public consultation and larger applications are determined by a planning committee made up of locally elected councillors. There is therefore already ample opportunity for engagement with these issues throughout the planning process.

Taking this into account we consider that Policy HEP4 should be more specific to ensure consistency with the statement quoted above. The term ‘specific assets’ is not defined in the document and we consider it should be amended to refer to statutory designated heritage specific assets. It should also include further wording allow the decision taker to balance harm (whether significant or detrimental) against wider benefits arising from development proposals.

Conclusion

Homes for Scotland supports the emphasis placed on working together and looks forward to continued engagement with HES as the new policy guidance is produced. We consider some changes are required to the wording of the document to make some of the policies clearer and ensure they reflect the core principles set out in the managing change section. We look forward to reviewing the more detailed policies in the forthcoming policy documents.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Joe Larner', written in a cursive style.

Joe Larner
Senior Planning Advisor