



HISTORIC  
ENVIRONMENT  
SCOTLAND

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EACHDRAIDHEIL  
ALBA

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Our case ID: 300019278

4 April 2017

Dear Fiona

**Places, people and planning: a consultation on the future of the Scottish planning system**

Thank you for consulting Historic Environment Scotland on your proposal for the future of the Scottish Planning system. We, along with fellow Key Agencies, are committed to working with Scottish Government, local authority partners and others to continue to shape the planning system in Scotland and to promote our objectives as part of that process.

We have provided comments in relation to many of the technical questions accompanying the consultation paper in an annex to this letter. These have also been submitted online using your consultation portal.

We hope this is helpful. If you would like to discuss our comments further or if there is anything we can do to help take this work forward, please do not hesitate to contact me.

Yours sincerely,

Alasdair McKenzie  
Deputy Head of Casework

**Historic Environment Scotland**



## Places, people and planning: A consultation on the future of the Scottish planning system

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### Making Plans for the Future

- **Key Question:**

- **Do you agree that our proposed package of reforms will improve development planning?**

- Yes – Historic Environment Scotland strongly supports the plan-led system and we are broadly content that the proposed reforms will allow for more joined-up and engaging plans which will promote the effective delivery of development. We also consider that the reforms will promote efficiency within the system and allow greater capacity for skills development, information-sharing and meaningful collaboration between local authority and Historic Environment Scotland staff.

We hope to contribute positively toward these reforms through engagement in the preparation of an enhanced National Planning Framework, and the provision of model historic environment policies for inclusion within Scottish Planning Policy.

Historic Environment Scotland would also welcome the opportunity to work with the Scottish Government in preparing 'National Planning Guidance' documents in support of the implementation of policies affecting the historic environment. Such a suite of associated 'National Planning Guidance' documents could provide further detail on the implementation of policies within Scottish Planning Policy. This would reduce the requirement to produce this information at the local level and also help to ensure consistency. We would recommend that such documents are prepared in line with a standard process, subject to broad consultation, and formally adopted by the Scottish Government. We would be happy to work with the Scottish Government in developing and facilitating discussions around the preparation of such guidance in relation to the historic environment.

- **(1) Do you agree that local development plans should be required to take account of community planning?**

- Yes – We would encourage measures for the preparation of more integrated local development plans which align with broader Council and community priorities. This may assist in a broader consideration of where historic environment assets may be re-used, conserved or celebrated in the delivery of a Council's strategic aims. We also support the proposed linkages between development and locality plans and the opportunities this could unlock in facilitating greater engagement with local communities.

- **(2) Do you agree that strategic development plans should be replaced by improved regional partnership working?**

- Yes – we agree that strategic development plans should be replaced by improved regional partnership working, building upon the networks and initiatives that have been established, in some areas, over a long period of time.



- **(2a) How can planning add greatest value at a regional scale?**  
The focus of regional planning should be upon genuine cross boundary issues that cannot be tackled by Local Authorities on an individual basis. We continue to believe that planning at a regional scale should, to some extent, consider the capacity for strategic growth, particularly in those areas where there is the greatest need and demand for new homes.
- **(2b) Which activities should be carried out at the national and regional levels?**  
We agree that strategic priorities for development should be set at a national level through the creation of a National Planning Framework. We also consider that this could be supported by an overarching set of statutory policies against which development proposals should be assessed. In addition to the above, there are opportunities to take forward activities that improve integration between regional planning and the preparation and delivery of City Deals.
- **(2e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?**  
Historic Environment Scotland is keen to engage at the regional level to ensure that consideration is given to cross-boundary issues which may affect the historic environment. As a Key Agency, Historic Environment Scotland is well placed to provide meaningful input into the preparation of these documents and help ensure that due consideration is given to where conservation of the historic environment may assist in meeting the Scottish Government's priorities.
- **(3) Should the National Planning Framework, Scottish Planning Policy or both be given more weight in decision making?**  
Both – We consider that each of these documents should be prepared in alignment, be subject to an appropriate level of consultation, and provided an equal statutory weight within decision-making.

We are also well positioned to support in the preparation of a national set of statutory policies for the historic environment. Through regular engagement in the development planning process, Historic Environment Scotland holds a strategic overview of where historic environment policies can perform effectively in the conservation, re-use and celebration of heritage assets and their integration into new development. We would therefore be keen to contribute to the development of a shared set of national policies for these heritage asset types. This would ensure that a consistent approach to the conservation of these heritage assets is taken across the country, and that heritage assets are afforded an appropriate level of consideration as part of the planning process.

We also recognise that the preparation of a shared set of policies for nationally designated heritage assets would prevent duplication of work as local planning authorities would not be required to replicate these. This would free up capacity amongst local planning authorities to monitor and address local historic

environment issues within their plans. This may include the development of policies and strategies for the management of locally specific heritage asset types.

This shift in focus would provide an opportunity for planning authorities to focus more upon creating new and enhancing existing places through the spatial strategy and making that plan happen.

- **(3a) Do you agree with our proposals to update the way in which the National Planning Framework is prepared?**

Yes – We welcome the preparation of an enhanced National Planning Framework which aligns with other Scottish Government strategies such as Our Place in Time: The Historic Environment Strategy for Scotland. We would also welcome participation in the preparation of this document so as to ensure that the vision and principles of Our Place in Time are fully embedded in the National Planning Framework. We also welcome proposals for the incorporation of a delivery programme. This delivery programme should also include consideration of where the environmental effects of proposals may be mitigated or enhanced.

- **(4) Do you agree with our proposals to simplify the preparation of development plans?**

Yes – We are broadly supportive of the proposals for the preparation of development plans as we consider that these will provide greater clarity in the system and allow for the delivery of coordinated development which incorporates consideration of the historic environment. In line with this, we particularly welcome proposals to create stronger links between a Council's development planning and development management functions. We consider that this will create consistency and efficiency across the process, allowing for a rounded consideration of the historic environment in the delivery of development. Consideration should also be given to how the proposals to review plan preparation meet with requirements under the Environmental Assessment (Scotland) Act 2005. Lessons learned from the current development planning process have demonstrated that close alignment between plan preparation and its environmental assessment are crucial for achieving proportionate and effective outcomes.

- **(4a) Should the plan review cycle be lengthened to 10 years?**

We broadly welcome proposals to extend the plan review cycle to 10 years, as we consider that this will allow planning authorities greater opportunity for more effective engagement with relevant bodies and local communities in the delivery of development.

- **(4b) Should there be scope to review the plan between review cycles?**

Yes – While we consider that there should be some flexibility within the development plan, we consider that this should be approached with caution. Development plan updates should require consultation with Key Agencies and authorities should be aware that what might appear to be minor updates could nonetheless result in individual or cumulative environmental effects which should



be considered under the requirements of the Environmental Assessment (Scotland) Act 2005.

- **(4c) Should we remove supplementary guidance?**

No – We would recommend that supplementary guidance is retained, however consider that it should be limited to documents that concentrate on spatial planning issues at the local level. These documents should include design briefs and masterplans, for example, which can play a key role in taking forward mitigation measures in support of the historic environment and giving these appropriate status in the development management process.

We also consider that there is a role for a suite of ‘National Planning Guidance’ documents which provide an appropriate level of advice in relation to the management of designated heritage assets. This approach would prevent duplication and promote consistency across the planning system.

- **(5) Do you agree that local development plan examinations should be retained?**

Yes – While we support the measures within the proposed reforms to encourage collaboration, meaningful engagement and early resolution of issues, we consider that independent examination can help ensure the robustness of the plan.

- **(5a) Should an early gate-check be added to the process?**

Yes – We agree that it should be established at an early stage that the plan-making process has been appropriately underpinned by evidence and subject to environmental assessment. We also agree that it should be demonstrated at this stage that the correct bodies and groups have been engaged. Identifying strategic objectives and the amount of development to be delivered early may also prevent uncertainties later in the plan-making process.

- **(5b) Who should be involved?**

While we appreciate the details of any gate-check process have yet to be defined, we consider the Key Agencies could have an important role to play in ensuring that the technical evidence in support of the plan is sufficient. Key Agencies could also play an important role in advising upon the adequacy of environmental assessment work that has either been carried out or help identify that which will be required going forward. In light of this, Historic Environment Scotland would welcome involvement at the gate-check stage where we may be in a position to add value and identify key issues that should be taken into account regarding the treatment of the historic environment in progressing with the plan. It will also be important that consideration is given to how to align the development plan gate-check process with consultation requirements under the Environmental Assessment (Scotland) Act 2005.



- **(5c) What matters should the gate-check look at?**

As above, we agree with proposals that the development plan gate-check should evaluate whether appropriate evidence-gathering and assessment in support of the plan-making process has taken place. We also agree that this process should seek to ensure that appropriate bodies and groups have been engaged and consulted. Taking this further, we would suggest that, where relevant, an indication should be given as to what action has taken place in light of this engagement and advice. We also agree that it would be beneficial to establish the plan's strategic objectives and to settle the questions regarding the amount of land needed for housing over the plan period so that conversations can move on to how that will be delivered.

- **(6) Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?**

Yes – We welcome the research that has been undertaken to inform this proposal and agree that allocated sites in a development plan should not be afforded permission in principle. There are numerous practical reasons for this, particularly around the level and detail of information required and compatibility with statutory requirements around both strategic and project level environmental assessment. However, we do consider that allocated sites, in support of a strong plan-led system, need to be afforded significant weight in development management decisions. This already occurs and should be built upon.

- **(7) Do you agree that plans could be strengthened by the following measures:**

***(a) Setting out the information required to accompany proposed allocations?***

Yes – We consider that any developer requirements needed to deliver a site should be clearly articulated within local development plans. This may include information provided by the Council or Historic Environment Scotland on how any historic environment impacts may be mitigated, or advice on where development proposals may positively enhance historic environment assets. To this end it will be important to strengthen the linkages between the outputs of accompanying assessments (such as SEA) and the delivery requirement for allocations. Our experience with the current development planning system and associated SEA activity would indicate that there remain opportunities to bring these outputs closer together, particularly where mitigation and enhancement measures may be beneficial for the preparation of any development briefs for larger allocations.

***(b) Requiring information on the feasibility of the site to be provided***

Yes – This is a crucial consideration for the deliverability of any site and ensures that resources for all involved in the planning process are best focused upon those areas with the greatest feasibility of delivery.



***(c) Increasing requirements for consultation for applications relating to non-allocated sites***

Yes – In line with the Key Agencies Joint Statement on Pre-Application engagement, we would support opportunities for early consultation on all National and Major developments, including those falling outside the development plan.

***(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application?***

Yes – We support this proposal. The Key Agencies encourage early and effective engagement on development proposals and seek to resolve issues as part of the development planning process wherever possible.

- **(8) Do you agree that stronger delivery programmes could be used to drive delivery of development?**

Yes – We consider that a clear strategy for the delivery of a development should be established at the earliest stage.

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## People Make the System Work

- **Key Question. Do you agree that our proposed package of reforms will increase community involvement in planning?**

Yes – We welcome steps toward greater community involvement in planning and are broadly supportive of the reforms proposed within this document. As part of this, we would encourage additional consideration of where different types of community can play a role in the planning system. For our interests, we have seen that communities from a variety of backgrounds will often come together in shared celebration of the historic environment. These can take the form of ‘Interest Groups’ which may convene through on-line forums and events. We would therefore recommend that mechanisms for engaging these groups, alongside young people and diverse audiences, should continue to be explored.

More broadly, Historic Environment Scotland recognises that community involvement in planning can bring distinct benefits to the historic environment. We have recently undertaken a wide-ranging public consultation on Scotland’s places and buildings entitled ‘What’s your Heritage?’ As part of this engagement process, reaching diverse audiences, we have seen where the public can bring passion and understanding to the management of the historic environment features they care about.

We would therefore encourage the appropriate resourcing and supporting of these reforms so that communities of every background may positively engage in the planning system. In line with this, we hope to provide support and share good practice in this area so that communities may take an active role in the management of their historic environment. This is likely to result in a requirement



for the allocation of additional Historic Environment Scotland staff time and resources toward engagement in planning at the community level.

- **(9) Should communities be given an opportunity to prepare their own local place plans?**

Yes – We support the participation of communities in the plan-making process and agree that communities should be given the opportunity to positively shape the development of their areas. Historic Environment Scotland recognises that communities can play an instrumental role in identifying important historic environment assets in their areas and finding innovative ways of enhancing the role the asset plays within the community and contributing toward their conservation. Communities can also act as agents in ensuring that new development is sympathetic to the historic environment and reflects the established character of their place.

We consider that local authorities and relevant bodies should support the preparation of local place plans through taking positive steps to build capacity and empower communities. We consider that community groups that are under-resourced, under-represented, or subject to a high level of development pressure should be the focus of these measures.

Given the above, Historic Environment Scotland would seek to support community groups in the preparation of local place plans through engagement, capacity building and the provision of guidance and sharing of best practice. We are particularly well positioned to help communities understand the character of their place and to identify locally important historic environment features. Developing a local understanding of how a place has evolved over time can also assist communities in planning for its growth.

- **(9a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?**

Informed by. We consider that local place plans should be prepared collaboratively and in line with statutory local development plans.

- **(11) How can we ensure more people are involved?**

We believe that the profile of planning needs to be positively raised. More education surrounding the benefits of participating within the planning system and place-making should be provided as part of school curriculums. There are other opportunities to increase communities' understanding of the planning system, for example, through community arts initiatives.

The planning system should also seek to become more transparent and accessible to the public. This may be through the provision of clear and engaging on-line planning resources and widespread use of social media.



- **(12a) What would be the most effective means of improving this part of the process?**

We agree that communities should be meaningfully engaged in the development of emerging proposals for their area. This may be best achieved through Charettes and other design-based approaches. While there should still be a role for 'traditional' consultation methods, the system should also recognise the effectiveness of social media and other outlets that can help appeal to new and different audiences.

- **(12b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?**

Yes – In line with the Key Agencies Joint Statement on Pre-Application engagement, we would support opportunities for early consultation on all National and Major developments, including those falling outside the development plan

- **(15) Should current appeal and review arrangements be revised:**

- (a) for more decisions to be made by local review bodies?***

Yes – We are broadly supportive of this measure provided that local review bodies are appropriately resourced and trained. For example, we consider that there is scope for some types of listed building consent to be appealed to local review bodies, and we would be happy to explore this through measures including pilot-schemes.

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## **Building More Homes and Delivering Infrastructure**

- **Key Question. Will these proposals help to deliver more homes and the infrastructure we need?**

Yes – We are broadly supportive of proposals for the improved co-ordination of housing and infrastructure development. We do, however, consider that greater focus should be given to where existing infrastructure and built development can support housing growth. In line with this, we consider that the historic environment should be considered as an important element of place-making infrastructure. We therefore believe that attention should be given to where housing can be creatively incorporated into Scotland's existing places through the re-use of brownfield land and historic building stock. Provision of housing in this way would capitalise on existing infrastructure, and contribute toward the long term sustainability of existing settlements.

We note that a move toward housing provision on greenfield sites often results in the degradation of historic town and village centres as the population is re-focused away from existing services and infrastructure offered within these places. Creative re-use of buildings and places for housing within these centres would therefore contribute toward town-centre regeneration and encourage compact and more environmentally sustainable patterns of living.



- **(17) Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?**  
Yes – We would encourage greater clarity over housing land requirements and how they may be sustainably delivered.
- **(19) Do you agree that planning can help to diversify the ways we deliver homes?**  
Historic Environment Scotland promotes a broader understanding of the options for delivering homes using existing buildings. The Planning System should aim to ensure that principles such as Town Centre First are applied as much to housing as to other types of development. The system should also recognise the wide range of benefits associated with the continued use and re-use of existing buildings – such as enhanced local distinctiveness, sense of place, efficient use of resources, regeneration and amenity as well as the ‘narrower’ heritage outcomes. Buildings at Risk can have a disproportionate negative impact on the places around them, and every opportunity should be taken to incentivise re-use.
- **(19a) What practical tools can be used to achieve this?**  
Historic Environment Scotland is always keen to discuss the options for the re-use of historic buildings, and tools such as development briefs can be a very effective way of maximising opportunities. Well-resourced local authorities are best placed to adopt a problem-solving approach to buildings at risk in their area.
- **(20) What are your views on greater use of zoning to support housing delivery?**  
We have no views on the principle of this, but would be keen to ensure that zoning does not compromise the options for the re-use of existing buildings. In some cases, a range of uses can be the most effective way to secure the future of historic buildings.
- **(20a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?**  
We consider that the scope of SPZs could be extended to take in other consents. For example, a Simplified Planning Zone could clarify or specify the need for consents such as Listed Building Consent and Conservation Area Consent, or set out at an early stage the need for consultation with Historic Environment Scotland.
- **(23) Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?**  
Our involvement in section 75 agreements is limited to discussions about enabling development. In the interests of transparency and ensuring the certainty of positive heritage outcomes, we would advocate a system that minimises the options for amending agreements after permission has been granted.



- **(24) Do you agree that future legislation should include new powers for an infrastructure levy?**

***(d) What type of infrastructure should it be used for?***

We consider that a portion of the revenue raised could be allocated to the re-use and restoration of historic buildings and features.

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## **Stronger Leadership and Smarter Resourcing**

- **Key Question. Do you agree the measures set out here will improve the way that the planning service is resourced?**

Yes – Resourcing and skills capacity are critical issues that must be addressed as part of this review. Local planning authorities have increasingly less access to experienced archaeology, conservation and design advice, and we recognise that this may lead to a degradation of the historic environment. Lack of local authority experience in handling historic environment issues also places an additional resource burden on Historic Environment Scotland.

Historic Environment Scotland is therefore seeking to develop capacity within planning services through engagement on the delivery of training in local historic environment issues through the Improvement Service. Joint working with the Improvement Service will allow us to take a co-ordinated approach toward addressing local authority training needs, and allow us to collaborate with other Key Agencies in the delivery of training. We also recognise a need for broader skills training amongst our own staff and consider that access to Improvement Service training programmes would be beneficial for the sector as a whole. We therefore would recommend that the Improvement Service is appropriately resourced to deliver this.

- **(26) What measures can we take to improve leadership of the Scottish Planning profession?**  
Training and making the system less process-driven and more outcome focussed so that planners may take a more active role in understanding their areas and co-ordinating sympathetic development.
- **(27) What are the priorities for developing skills in the planning profession?**  
Historic Environment Scotland can assist with the development of skills through training, capacity building and the preparation of guidance. We consider that a co-ordinated approach toward the delivery of training, facilitated by the Improvement Service, would assist us in identifying where a need for training in the management of the historic environment is greatest. We also consider that working with the Improvement Service would allow our staff with access to additional skills training opportunities.



- **(28) Are there ways in which we can support stronger multidisciplinary working between built environment professions?**

Historic Environment Scotland would encourage collaboration, networking and capacity-building between all stakeholders. This could be achieved through such activities as project-working, training events and networking.

- **(29) How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?**

We welcome proposals for revision of the Planning Performance Framework so that an emphasis on outcomes is included. This can help encourage positive approaches toward the historic environment.

As a Key Agency, Historic Environment Scotland produces a Planning Performance Framework Report and would be happy to help assist in the development of effective mechanisms for measuring our own performance within the planning system

- **(30) Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?**

Yes – As above.

- **(31) Do you have any comments on our early proposals for restructuring of planning fees?**

We note that a proposal for Key Agency charging is included in the Consultation Paper. In line with this, Historic Environment Scotland intends to develop thinking on the issue of charging and explore opportunities for service improvement. In collaboration with the Key Agencies Group, we propose to commission joint research into how agencies in other parts of the UK manage this process and the possible benefits of charging in a Scottish context.

- **(32) What types of development would be suitable for extended permitted development rights?**

We have no views on specific development types suitable for extended permitted development rights. We recognise the potential for efficiencies in this area but would highlight the challenges for an appropriate level of protection and management of the historic environment to be maintained, depending on the nature of any proposed changes. Historic Environment Scotland would be happy to engage in discussions around such proposals and we would also encourage close collaboration with planning authorities in order to identify areas where permitted development can be reasonably and practically extended without detriment to heritage assets.



- **(33c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?**

Historic Environment Scotland is keen to explore opportunities for formalising the role of Key Agencies in the consideration of applications for approvals of detail required by a condition.

- **(34) What scope is there for digitally enabling the transformation of the planning service around the user need?**

We welcome proposals for supporting the planning system through the use of digital resources. As above, we recognise opportunities for engagement within planning and management of the historic environment through the use of on-line platforms and social media. In particular, we would welcome the greater accessibility of planning materials and documents through on-line planning portals, addressing issues relating to naming conventions and the quality of reproduction.

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### Next steps

- **(38) Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.**

We welcome that consideration is being given to the environmental effects of these proposals and that an SEA Environmental Report is to be published alongside the proposed changes in due course. We look forward to providing advice on the approach and scope for this assessment and in the meantime would be happy to discuss this with you.