

23

PLANNING AND THE HISTORIC ENVIRONMENT



Scottish Planning Policy

SPP 23

Planning and the Historic Environment

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PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of The Scottish Government's policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of The Scottish Government's policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of The Scottish Government's policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of The Scottish Government's location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programmes of The Scottish Government, public agencies and local government.

Important Note: In the interests of brevity and conciseness, Scottish Planning Policies do not repeat policy across thematic boundaries. Each SPP takes account of the general policy in SPP 1 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

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INTRODUCTION

PLANNING AND THE HISTORIC ENVIRONMENT

1. The protection and enhancement of the historic environment contributes to the Scottish Government's central purpose¹ This resource enhances national, regional and local distinctiveness, forges connections between people and places and promotes a positive image of Scotland across the world. It can also contribute to the success and regeneration of communities and provide educational, training and employment opportunities. Scottish Ministers therefore place great weight upon its proper protection through the planning system
2. This Scottish Planning Policy (SPP) supersedes and consolidates National Planning Policy Guidelines – NPPG 18: Planning and the Historic Environment and NPPG 5: Archaeology and Planning. It sets out the national planning policy for the historic environment and indicates how the planning system will contribute towards the delivery of Scottish Ministers' policies as set out in the current Scottish Historic Environment Policy (SHEP)² produced by Historic Scotland (available at www.historic-scotland.gov.uk).

SUSTAINABLE DEVELOPMENT AND THE HISTORIC ENVIRONMENT

3. The conservation and management of the historic environment contributes directly to sustainability in a number of ways. These include the energy and materials invested in a building, the scope for adaptation and reuse and the unique quality of historic environments which provide a sense of identity and continuity in a period of rapid social and economic change.
4. The historic environment can play a key part in promoting sustainable economic growth and regeneration by offering attractive living and working conditions that will encourage inward investment. It is of particular importance for supporting the sustainable growth of tourism and leisure.

ROLE OF LOCAL AUTHORITIES AND OTHERS

5. The Government expects local authorities and others to maintain and strengthen their commitment to stewardship of the historic environment, and to reflect this planning guidance in their policies and their allocation of resources. Planning authorities should adopt suitable policies in their development plans and give effect to them through their development management decisions.
6. Historic Scotland's role is as an agency within the Scottish Government directly responsible to Scottish Ministers for the protection and promotion of the historic environment. Historic Scotland has specific responsibilities in respect of statutory and non-statutory historic environment designations and is a statutory consultee

1 [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]

2 [The Memorandum of Guidance on Listed Buildings and Conservation Areas is being withdrawn in stages between March 2008 and March 2009. Sections on policy are being replaced by the SHEP series and the technical annexes are being replaced by subject specific guidance.]

under Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and the General Development Procedure Order (GDPO). The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) is a key partner of Historic Scotland and surveys, records and makes available data on Scotland's ancient monuments and buildings.

7. Responsibility for the maintenance and upkeep of the historic environment lies with the owners and manager of historic assets and they are encouraged to seek expert advice where appropriate. Partnership between owners, users and public authorities is often the key to the long-term conservation of the historic environment. Bodies such as the Scottish Civic Trust, the National Trust for Scotland, the Architectural Heritage Society of Scotland, Archaeology Scotland, the Built Environment Forum for Scotland, the Garden History Society and others along with local amenity bodies, community councils and building preservation trusts play a significant role in safeguarding and promoting the historic environment. In addition, Architecture and Design Scotland (A+DS) offers expert advice on design for selected development proposals, which are on, adjacent to or in close proximity to historical environment interests.

CONTEXT

THE HISTORIC ENVIRONMENT

8. We can see the historic environment in our landscape, the layout of fields and roads, and the remains of a wide range of past human activities. The historic environment includes ancient monuments, archaeological sites and landscapes, historic buildings, townscapes, parks, gardens and designed landscapes and other features. It comprises both statutory and non-statutory designations.

SETTING

9. The location of historic features in the landscape and the patterns of past use and activity are part of the historic environment. Setting is more than the immediate surroundings of a site or building and, for example, may be related to the function or use of a place, or how it was intended to fit into the landscape or townscape, the view from it or how it is seen from around, or areas that are important to the protection of the place, site or building.

LEGISLATION

10. The historic environment is covered by the following legislation:
 - Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997
 - Ancient Monuments and Archaeological Areas Act 1979
 - Town and Country Planning (Scotland) Act 1997

- Planning etc (Scotland) Act 2006
- Protection of Wrecks Act 1973
- Protection of Military Remains Act 1986

The role of the planning system in the protection of the historic environment is reflected in the above primary legislation and associated secondary legislation.

11. The UK Government has international obligations in relation to the historic environment, including:
 - The Granada Convention for the Protection of the Architectural Heritage of Europe
 - The Convention Concerning the Protection of the World Cultural and Natural Heritage
 - The Valletta Convention on the Protection of the Archaeological Heritage
 - The European Landscape Convention

While it is the UK Government's responsibility to ensure that all parts of the UK observe the terms of the Conventions, the Scottish Government and planning authorities have key roles to play in realising the Conventions' aims.

12. Planning interest in the historic environment covers statutory and non-statutory designations. Both are material considerations in the planning process.

STATUTORY DESIGNATIONS

Listed Buildings

13. Listed buildings are buildings of special architectural or historic interest and are listed by Historic Scotland on behalf of Scottish Ministers. The term *building* includes structures such as walls and bridges. Listing covers the whole of a building including its interior and any ancillary structures within its curtilage provided these were constructed before 1 July 1948. Change should be managed to protect a building's special interest while enabling it to remain in active use. Planning authorities are responsible for handling applications for listed building consent and for assessing the impact of development proposals on listed buildings and their settings. The Listing and Listed Building Consent processes are described in the current SHEP.

Conservation Areas

14. Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Selection and designation is carried out by the planning authority, although Scottish

Ministers have powers to designate conservation areas. Designation provides the basis for the positive management of an area and for planning authorities to bring forward proposals for their preservation or enhancement. The current SHEP provides further detail.

Scheduled Monuments

15. Scheduled monuments are archaeological sites, buildings or structures of national importance and are designated by Historic Scotland on behalf of Scottish Ministers under the terms of the Ancient Monuments and Archaeological Areas Act 1979. Scottish Ministers policy on scheduling and the criteria for determining national importance (superseding those published in PAN 42: Archaeology) are set out in the current SHEP. Scottish Ministers include a monument in the schedule to secure the long term legal protection of the monument in the national interest, in situ and as far as possible in its existing state. The Scheduled Monument Consent process is separate from the statutory planning process. The SHEP provides further detail on how scheduled monument consent applications are dealt with.

Designated Wreck Sites

16. Scottish Ministers, under the Protection of Wrecks Act 1973, can declare wrecks of historic, archaeological or artistic importance and the sites of these wrecks in Scotland's territorial waters (out to 12 nautical miles) as protected areas. Scottish Ministers, through Historic Scotland, control certain activities on Designated Wreck Sites by a licensing regime. There is a further licensing system, administered by the Ministry of Defence, for sites on land or sea, designated under the Protection of Military Remains Act 1986.

NON-STATUTORY DESIGNATIONS

World Heritage Sites

17. World Heritage Sites are inscribed by UNESCO on the basis that they are cultural and/or natural heritage sites which have "outstanding universal value", and have "authenticity" and "integrity". The UK Government has overall responsibility for policy on World Heritage Sites, but for sites in Scotland, responsibility for identifying and nominating individual sites, and ensuring they are properly protected, mainly through requiring that appropriate local frameworks are in place, lies with the Scottish Government. No additional statutory controls result from designation, but a specific policy within a clear planning policy framework, for example a local development plan or supplementary planning guidance, should be established to assist planning authorities fulfil their key role in managing development within these sites.

Gardens and Designed Landscapes

18. An Inventory of Gardens and Designed Landscapes in Scotland is compiled and maintained by Historic Scotland. Scottish Ministers policy for Gardens and Designed Landscapes, is set out in the current SHEP. This SHEP also sets out the role of planning authorities in protecting and enhancing gardens and designed landscapes.

Other Historic Environment Interests

19. There are a range of other non-designated archaeological sites, monuments 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, however, are an important part of Scotland's heritage and Government policy is to protect and preserve these wherever feasible. Planning authorities should consider the potential to protect these resources through the planning process. They can be protected under the planning system, for example, through conservation area or landscape designations and included in development plans to inform planning decisions. In terms of battlefields, Scottish Ministers have recently consulted on a proposed new policy for the protection of historic battlefields of national importance. It is expected that this will be published during the lifetime of this SPP and planning authorities will be expected to implement its provisions.

POLICY

20. The policies in this SPP and current SHEP reflect the importance of the historic environment, as a key part of Scotland's cultural heritage, to the Scottish Government's central purpose. With the careful application of policy and sensitive decision making, the historic environment can often be adapted to accommodate new uses, offering opportunities for new and creative design, whilst retaining its special character. In principle, therefore, the aim should be to identify the best viable use that is compatible with the fabric, setting and character of the historic environment.
21. In some cases the importance of the heritage asset is such that change may be difficult, indeed it may not be possible, and potential developers should be advised accordingly. Archaeological assets, for example, are finite and non-renewable and therefore should be preserved in situ wherever feasible. However, in many cases, the historic environment can accommodate change and in these cases, the emphasis is on the informed and sensitive management of change. Key to this process is a clear understanding of the historic importance of the heritage asset as the basis for informed change. In putting forward policies and proposals for the protection, conservation and positive management of the historic environment, a sound understanding of the heritage resource is vital. This should cover not only the historic characteristics and features, but also the relationship of the historic environment to adjoining areas. The preparation of Conservation Area Appraisals and Townscape Audits are particularly useful in informing planning policy and decisions. Further advice is available in PAN 42: Archaeology, PAN 52: Planning in Small Towns and PAN 71: Conservation Area Management.
22. Local authorities have a range of duties and powers with regard to the historic environment. Policies should be set out in development plans with the emphasis on positive management and implementation. Planning authorities should also

ensure that they can call on sufficient specialist conservation and archaeological advice to inform their plan and decision-making and to advise owners and managers of historic assets and other members of the public.

23. To support their development management function, planning authorities should ensure that they have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area. The authoritative source for information on listed building and scheduled monument designations is Historic Scotland. Planning authorities should make use of existing material where available such as local historic environment survey and analyses, Townscape Audits, Scottish Burgh Surveys and Historic Land Use Assessments. In preparing their development plan or considering development projects with a potentially significant impact on historic character, planning authorities should consider whether further and more detailed assessment is required to establish the capacity of an area for, and sensitivity to change.
24. The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS), Historic Scotland and a growing number of local authorities maintain an electronic database, accessible on-line on their own websites or through the PASTMAP portal, giving access to summary details of information held of c.250,000 archaeological sites, monuments, buildings and marine sites in Scotland. The PASTMAP site indicates the location of listed buildings and the extent of scheduled monuments and gardens and designed landscapes, and provides a useful starting point.

DEVELOPMENT PLANNING

25. Planning authorities should ensure that development plans provide a land use policy framework for the protection, conservation and enhancement of the historic environment within which any development impacts can be properly assessed. Planning authorities should draw on their own or contracted-in conservation and archaeological services and are encouraged to seek advice from Historic Scotland and others at an early stage in the preparation of such plans.

Structure Plans/Strategic Development Plans

26. Structure plans should set out general policies for the protection, conservation and enhancement of the historic environment. Strategic development plans are being introduced under planning reform to deal with key cross-boundary issues that have impacts across a city region. While it is unlikely that it will be necessary to include specific policies on the historic environment in strategic development plans, the strategic importance of the historic environment as a resource in its own right and as a driver for sustainable economic development and regeneration should be recognised. The spatial strategy of the plan should be informed by considerations including the capacity of settlements and areas of countryside to accommodate development without damage to their historic value.

Local Plans/Local Development Plans

27. Local plans and, in future, local development plans, should assess the scale of change likely to occur over the plan period and ensure that new development is accommodated without damaging the character of the historic environment. They should, where appropriate, define the historic environment and its landscape or townscape setting and set out policies and criteria for assessing development proposals to ensure the protection, conservation and enhancement of the historic environment. Planning authorities should include in their action programmes details of what action will be taken to deliver the policies and proposals on the historic environment over at least the following two year period.

Supplementary Planning Guidance

28. Planning authorities can prepare supplementary guidance for the historic environment. Under the Planning etc (Scotland) Act 2006, supplementary guidance may form part of the development plan, when requirements on consultation and approval have been met.

Model Policies

29. Model policies can achieve greater consistency and reduce unnecessary effort by planning authorities in preparing development plan policies. Planning authorities are encouraged to use the model policies outlined in Annex A and incorporate them as far as practicable into forthcoming development plans.

Strategic Environmental Assessment

30. Development plans are subject to strategic environmental assessment (SEA) in which Historic Scotland, as a consultation authority, is involved. It is unlikely that an SEA will be required for conservation area appraisals and management plans. It is, however, for the Responsible Authority to make that determination on a case by case basis.

DEVELOPMENT MANAGEMENT

31. Planning authorities should seek to safeguard the historic environment while meeting future land use needs in exercising their development management role. They should have due regard to Government policy and advice contained within this SPP and the current SHEP. Decisions should be informed by development plans and other relevant guidance.

Pre-application Advice

32. Scottish Ministers expect planning authorities and developers to ensure that discussions take place at an early stage on development proposals affecting the historic environment. Planning authorities should provide pre-application advice to potential applicants. A key aspect of any such advice, to avoid delays at a later stage, should be to clarify what supporting information will be required when an application is submitted. Where significant elements of the historic environment are likely to be affected by development proposals it is expected that developers

will take the preservation of this significance explicitly into account in their proposals. The greater the prospective impact on the historic environment, the greater the amount of information and analysis will be required.

Statutory Consultation

33. Planning authorities are required to seek the views of Historic Scotland on planning applications where these affect the site and setting of category A-listed buildings, scheduled monuments and on gardens and designed landscapes included in the Inventory. In considering development proposals, Scottish Ministers expect planning authorities to protect such sites and their settings, and Historic Scotland will reflect this policy. Where required, Environmental Impact Assessment (EIA) is also an integral part of the process of determining planning applications. Historic Scotland is a consultation body, on behalf of Scottish Ministers under the EIA Regulations.

Listed Buildings

34. Listed building consent and planning permission are two quite separate statutory requirements. Both are required where development (as defined under section 26 of the Town & Country Planning (Scotland) Act 1997) is to be undertaken. Consent granted under one regime is without prejudice to the other. Where both are required the applicant must obtain both before work can commence. While recognising that two distinct procedures are involved, planning authorities should ensure that consideration of listed building consents and planning applications affecting the same building(s) are dealt with in a co-ordinated manner.
35. Once a building is listed, any demolition works, or any works which alter or extend the building in a way which would affect its character or its setting as a building of special architectural or historic interest, require listed building consent. It is for the planning authority to:
 - consider whether the proposed works will require listed building consent
 - notify Scottish Ministers where the planning authority is minded to grant listed building consent in the case of Category A, B and the demolition of C(S) buildings
 - determine the application, except where cases are called in by Scottish Ministers for their own determination or where the local authority is the applicant.
36. Scottish Ministers' policies on listed building consent and on the considerations to be taken account by planning authorities in determining listed building consent applications for alteration, adaptation or demolition of a listed building are set out in the current SHEP.

37. It may be appropriate to consider enabling development if this can be shown to be the only means of retaining a listed building. In such case, development must be managed carefully and a high quality end product achieved which protects the listed building and its setting and is the minimum necessary to enable its conservation and re-use. The new development should be designed to retain and enhance the special interest, character and setting of the listed building
38. Planning authorities are encouraged to work with the Scottish Civic Trust, who produce the Buildings at Risk Register (BAR), in identifying historic buildings at risk in their area. Often important parts of historic townscapes and landscapes, their repair and re-use can act as a catalyst and support wider regeneration initiatives contributing to place-making and local distinctiveness. BAR opportunities should be addressed as part of local development plan action programmes or supplementary planning guidance. Planning authorities have a range of powers available to them, such as Repair Notices and Urgent Works Notices, and are encouraged to use them, as appropriate, where listed buildings are at risk.

Conservation Areas

39. In considering applications for planning permission within conservation areas, planning authorities should have regard to the following:
 - proposed development that fails to preserve or enhance the character or appearance of the area should normally be refused planning permission
 - proposed development that would have a neutral effect upon the character or appearance of the area (i.e. does no harm) should be treated as being one which preserves the area's character or appearance.
 - proposed development that would have negative and positive impacts should be weighed against each other and the proposals considered as a whole.
40. Planning authorities are encouraged to undertake conservation area appraisals which can assist owners and developers in formulating proposals and inform subsequent planning assessment and decision making. They should also consider the likely impact of development proposals for sites which lie outwith the conservation area but which would impact upon its appearance, character or setting.
41. The objectives of conservation area management can for the most part be met through an effective policy framework and the positive use of existing development management and enforcement powers. Where necessary, planning authorities can put in place Article 4 Directions to maximise the protection of an area of historic value. They can help to protect important unifying elements such as original doors, windows and street furniture thereby protecting the character

and appearance of an area. Article 4 Directions should be progressed through local plans/local development plans. Planning authorities also have powers to preserve trees in a conservation area.

42. In considering the demolition of an unlisted building within a conservation area, its merits and its contribution to the character and appearance of the area are the key considerations. Applications for demolition should, therefore, be permitted only where this does not erode the character and appearance of the conservation area. The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use, or might be so capable in the future. Where demolition is considered acceptable, careful consideration should be given to a replacement scheme in terms of its design and quality. The current SHEP provides further detail on the considerations to be taken into account.

Scheduled Monuments

43. Scheduled monuments are of national importance and they should be preserved in situ and within an appropriate setting. While the scheduled monument consent process is separate from the statutory planning process, where works requiring planning permission affect a scheduled monument, the protection of the monument and its setting are material considerations in the planning process. The current SHEP provides further detail.

Designated Wreck Sites

44. Where planning provisions extend offshore (currently only in respect of marine fish farming out to 3 nautical miles), planning authorities should ensure that development will not adversely affect the integrity and setting of designated wreck sites under the Protection of Wrecks Act 1973 and sites designated under the Protection of Military Remains Act 1986. Planning authorities should be aware of the need to consider such sites and consult Historic Scotland where necessary.

World Heritage Sites

45. Though no additional statutory controls result from world heritage designation, the impact of proposed development upon the “outstanding universal value”, “authenticity” and “integrity” of a World Heritage Site and its setting is a material consideration in determining planning applications.

Garden and Designed Landscapes

46. The effect of proposed development on a Garden or Designed Landscape is a material consideration in the determination of a planning application. Planning authorities must consult with Scottish Ministers, through Historic Scotland, on any proposed development that may affect a site included in the Inventory of Gardens and Designed Landscapes. Circular 4/2007 provides further information on planning procedure. Scottish Ministers’ policies for Gardens and Designed

Landscapes and the considerations to be taken into account are set out in the current SHEP.

Other Historic Environment Interests

47. Government policy is to protect and preserve non-designated, other historic environment interest, in situ wherever feasible and, as such, they are material considerations in the planning process. Where, in the case of archaeological sites, this proves impossible, planning authorities should ensure that procedures are in place in order that appropriate excavation, recording, analysis, publication and archiving is undertaken before and/or during development..
48. Planning authorities should be aware that local authorities have a number of powers and responsibilities in respect of other historic environment interests:
 - as owners, occupiers or lessees they may have important remains, buildings or sites in their care;
 - they help to safeguard historic assets through their development planning and development control functions;
 - they have powers to acquire ancient monuments and grant-aid the preservation of historic sites or monuments, whether in their care or not;
 - they can help to preserve and manage historic sites which contribute to the local landscape, amenities and economy;
 - they have a crucial role in the preparation and maintenance of records and archives as a basis for the above activities; and
 - they can ensure that archaeological services are developed for planning, management, recreational and educational purposes.

Planning Conditions and Agreements

49. Planning permission may be subject to planning conditions. Circular 4/1998 provides information on the use of planning conditions in planning permissions. In cases of archaeological remains where it is decided that physical preservation in situ is not justified and that development can proceed, the planning authority, before determining the application, should be satisfied that the developer has made appropriate provision for the excavation, recording, analysis, publication and archiving of the remains. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record these features. This situation and others relating to the historic environment should be managed through the use of conditions or Section 75 agreements.

Enforcement

50. In positively managing the historic environment, planning authorities are encouraged to use the enforcement powers available to them, as appropriate, where the historic environment is at risk. The carrying out of unauthorised works to a listed building or scheduled ancient monument constitutes a criminal offence. Action should be taken at the earliest opportunity to minimise loss within the historic environment. Planning authorities have powers such as Building Preservation Notices, Listed Building Enforcement Notices, Urgent Works Notices, Repair Notices and compulsory purchase procedures and are strongly encouraged to use those powers.

Recording

51. RCAHMS must be formally notified of all proposals to demolish listed buildings, and also unlisted buildings where these lie within conservation areas. Notification may also be appropriate in cases of significant alteration. In all such cases, planning authorities are encouraged to make it a condition of consent that applicants arrange suitable programmes of recording features that would be destroyed in the course of the proposed works. Planning authorities should inform RCAHMS of such conditions and of all recording works carried out in their area. Archaeological or architectural surveys should be deposited in the National Monuments Record of Scotland or within local sites and monuments records where these exist. Where important hidden features or buried remains may be revealed during the course of the work, planning authorities should ensure that suitable arrangements can be made for their excavation and recording.

CONCLUSION

52. This SPP encourages a positive and proactive approach by planning authorities to managing change in the historic environment. The historic environment is important in that it can bring added value, not just as a cultural add-on, but as an economic driver, attracting inward investment, playing a vital part in our tourist industry and helping communities to regenerate. The identification, promotion and enabling of opportunities for high-quality development which builds upon the values embedded in the historic environment can help sustain the resource by recognising its special needs while at the same time delivering solutions fit for modern needs.

ENQUIRIES

53. Enquiries about the content of this SPP should be addressed to Steve Dowell, Scottish Government, Directorate for the Built Environment, Area 2H, Victoria Quay, Edinburgh, EH6 6QQ. (tel 0131 244 3108) or by e-mail to steve.dowell@scotland.gsi.gov.uk. This SPP and other SPPs, PANs and a list of Circulars can be viewed on the Scottish Government's website at www.scotland.gov.uk/planning.

ANNEX A: MODEL POLICIES

LISTED BUILDINGS

Buildings of special architectural or historic interest are listed by the Scottish Ministers and divided into non-statutory categories A, B or C(s). The purpose of listing is to ensure that any demolition, alteration, repair or extension that would affect the building's special interest is controlled. When determining planning applications, Sections 14(2), and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 place a duty on Councils to have special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. In relation to the historic environment, SPP 23 provides the national planning policy context for listed buildings and is a material consideration in the determination of planning applications. The current SHEP provides further information.

MODEL POLICY 1: Listed Buildings

The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.

There is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

No listed buildings should be demolished unless it can be clearly demonstrated that;

- the building is not of special interest; or*
- the building is incapable of repair; or*
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or*
- the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.*

RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded.

CONSERVATION AREAS

Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is considered to be important to preserve or enhance. The main implication of designation is that consent will be required for specific types of development that would not otherwise require it. This level of control can, in certain circumstances, be further extended through the introduction of an Article 4 Direction.

When determining planning applications, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance

of the relevant designated area. Sections 159, 160 and 172 of the Town and Country Planning (Scotland) Act 1997 gives planning authorities the powers to preserve trees in a conservation area in the interests of amenity. In relation to the historic environment, SPP 23 provides the national planning policy context for conservation areas and is a material consideration in the determination of planning applications. The current SHEP provides further information.

MODEL POLICY 2: Conservation Areas

Development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to contribute to character and appearance shall be preserved. Given the importance of assessing design matters, outline planning applications will not normally be considered appropriate for developments in conservation areas.

Where an existing building, listed or not, contributes positively to the character of the conservation area, policy 1 on demolition shall apply. Where it does not, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

ARCHAEOLOGY

The Ancient Monuments and Archaeological Areas Act 1979 protects many nationally important archaeological sites and monuments. In addition there are sites and monuments which, while not fulfilling the criteria for national importance, are of regional or local significance. All of these, whether scheduled or not, are fragile and irreplaceable. It is also important that the integrity of the setting of archaeological sites is safeguarded.

Planning authorities should ensure that archaeological factors are as thoroughly considered as any other material factor in both the development planning and the development control processes. Not all remains are of equal importance and planning authorities should consider the various categories of archaeological remains as well as the specialist advice from an archaeologist. The current SHEP provides further information.

MODEL POLICY 3: Scheduled Monuments, other Archaeological Sites and Monuments

Scheduled monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the

integrity of their setting shall not be permitted unless there are exceptional circumstances.

All other significant archaeological resources shall be preserved in situ wherever feasible. The planning authority will weigh the significance of the archaeological resources and of any impacts upon them and their settings against other merits of the development proposals in the determination of planning applications

The developer may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis, publication and archiving, in advance of development.

GARDENS AND DESIGNED LANDSCAPES

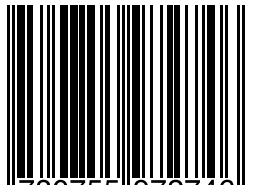
Historic Scotland compiles and maintains a national Inventory of Gardens and Designed Landscapes. The impact of proposed development on a site included on this Inventory, its special interest and value, is a material consideration in the determination of a planning application. Under Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992, [as amended April 2007], planning authorities must consult with Historic Scotland on any proposed development that may affect a site contained in the Inventory. Planning authorities are encouraged to take measures to safeguard and enhance Inventory sites, and also other important gardens and designed landscapes. Circular 4/2007 and the current SHEP 2008 provide further information.

MODEL POLICY 4: Historic Gardens and Designed Landscapes

Development affecting gardens and designed landscapes shall protect, preserve and enhance such places and shall not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.

Section C of the Pilot Model Policy Study: Conclusions and Next Steps (2006) document (available at www.scotland.gov.uk/planning) provides further guidance on the use of model policies.

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