

Local Review Body

3 August 2016

Planning Application for Review

Mr S Gemmill

**Installation of roof mounted solar panels (in retrospect):
61 Forsyth Street, Greenock (15/0273/IC)**

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- Notice of Review form dated 9 June 2016 and supporting documentation
(NB New material included in Notice of Review form together with email dated 8 June 2016 from Jenn McClafferty on behalf of Ronnie Cowan MP not included with the papers in accordance with the criteria set out in Section 43(B) of the Town & Country Planning (Scotland) Act 1997)

PLANNING APPLICATION, PLAN AND PHOTOGRAPHS

Inverclyde council

Municipal Buildings Clyde Square Greenock PA15 1LY

Tel: 01475 712 406

Fax: 01475 712 468

Email: planning.dlm@inverclyde.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000128263-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

We would like permission to install a 4kw solar panel system on the east facing roof of our property (that faces to towards the town centre).

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both:*	Building Name:	<input type="text"/>
Other Title:	<input type="text"/>		Building Number:	<input type="text" value="61"/>
First Name: *	<input type="text" value="Stewart"/>	Address 1 (Street): *	<input type="text" value="Forsyth Street"/>	
Last Name: *	<input type="text" value="Gemmill"/>	Address 2:	<input type="text"/>	
Company/Organisation:	<input type="text"/>	Town/City: *	<input type="text" value="Greenock"/>	
Telephone Number: *	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>	
Extension Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA16 8HP"/>	
Mobile Number:	<input type="text"/>			
Fax Number:	<input type="text"/>			
Email Address: *	<input type="text"/>			

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text" value="61 Forsyth Street"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text" value="Greenock"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PA16 8HP"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="676796"/>	Easting	<input type="text" value="226848"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Today I spoke with Michael Barton of Inverclyde Planning department. After taking advice from Mr Barton I sought out this website and application form online. I am now about to email him proposed drawings that will inform him and anyone else of how our roofline will look to passers by once the panels are installed.

Title: Other title:
First Name: Last Name:
Correspondence Reference Number: Date (dd/mm/yyyy):

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

This is just the roof area to the rear of our property that is currently providing shelter from the elements. There are no other existing or planned features for this area other than the solar panels.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

The solar panels are on the roof of the property, for the purpose of creating, storing and using electricity. There is no relationship between this and the storage or collection of waste.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Mr Stewart Gemmill

On behalf of:

Date: 07/08/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stewart Gemmill

Declaration Date: 11/08/2015

Submission Date: 16/10/2015

Payment Details

Departmental Charge Code: 1234

Created: 16/10/2015 14:57





REPORT OF HANDLING DATED 11 MARCH 2016

REPORT OF HANDLING

Report By: Mike Martin

Report No: 15/0273/IC

**Local Application
Development**

**Contact
Officer:** 01475 712412

Date: 11th March 2016

Subject: Installation of roof mounted solar panels (in retrospect) at
61 Forsyth Street, Greenock.

SITE DESCRIPTION

The application site comprises a semi - detached two storey house situated on the south side of Forsyth Street at its junction with Finnart Street, Greenock and lies within the Greenock West End Conservation Area. The surrounding area is residential in character and the neighbouring properties are similar in terms of their scale, design and materials.

PROPOSAL

Fifteen solar panels have been installed to the roof of the property. Fourteen panels, arranged in four rows, have been installed on the rear facing roof of the main house, whilst a further panel is positioned on the rear facing roof slope of the single storey projection. As the works have already been undertaken, the application is considered in retrospect.

LOCAL DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy RES5 - Proposals for Changes to Properties for Residential Use

Proposals for the change of use, sub-division or conversion to properties to create new additional dwelling units, and for the alteration or extension to residential properties, will be assessed against and have to satisfy where appropriate, the following criteria:

- (a) the character and amenity of neighbouring properties;
- (b) impact on the streetscape;
- (c) impact on the character of the existing property;
- (d) accordance with the Council's adopted roads guidance; and having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Environment Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

CONSULTATIONS

No consultations were required.

PUBLICITY

The application was advertised in the Greenock Telegraph on 19th February 2016 as a development affecting a conservation area.

SITE NOTICES

A site notice was posted on 19th February 2016 for development affecting a conservation area.

PUBLIC PARTICIPATION

No representations have been received.

ASSESSMENT

The material considerations in the assessment of this application are the Inverclyde Local Development Plan, the Scottish Historic Environment Policy (SHEP), Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note series, Scottish Planning Policy (SPP), visual amenity, and the impact upon the Conservation Area, including adjacent buildings.

Insofar as the proposal relates to development ancillary to the associated dwelling, it does not conflict with the general principle of Local Development Plan policy RES1. Assessing visual impact, policy RES5 of the Local Development Plan seeks to ensure that development does not adversely impact on the streetscape. Policy HER1 states that development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area.

Historic Scotland's Managing Change in the Historic Environment Guidance Notes provides advice for Planning Authorities determining planning application within conservation areas. Historic Scotland's guidance advises that solar micro renewable developments should be installed on inconspicuous areas of a roof. Installations on principal elevations should always be avoided. The SPP recognises that the use of energy efficient systems and micro renewables will be components in the move towards reducing emissions. The SPP also recognises however that the historic environment is a key part of Scotland's cultural heritage and the "Managing Change in the Historic Environment" guidance note series published by Historic Environment Scotland should be taken into account by planning authorities determining applications which may affect the historic environment.

Assessing visual impact, the site occupies a corner position and the rear roof of the house is highly visible from Finnart Street, from a considerable distance. The application property is similar to the neighbouring houses which are mainly late Victorian, two storey semi-detached. These properties reflect the clear pattern of development of symmetrical dwellings which, notably, are generally free from significant alteration and, in terms of its architectural design the application property is an attractive and prominent example of this building style which is well represented within the Greenock West End Conservation Area. In order to safeguard and maintain the character of the Conservation Area, proposals for alterations to individual buildings therefore require to be in keeping with their original character.

The solar panels installed are visually prominent and clearly visible from public vantage points within the Conservation Area. The panels have a large bulky appearance, cover a substantial proportion of the main roof and clearly stand out from the roof slope. It is considered that the solar panels installed detract from the character and appearance of the building and fail to respect the design and symmetry of the neighbouring housing. Overall, it is therefore considered that the development undertaken fails to preserve or enhance the appearance of the Conservation Area and the panels comprise an unacceptable and incongruous feature. In this case, I do not consider that any energy efficiency benefits outweigh the unacceptable visual impact on the existing building and the character of the wider Conservation Area.

In conclusion, I consider that the solar panels installed do not respect the design of the existing dwelling and the neighbouring properties. The proposal also fails to preserve or enhance the appearance of the Conservation Area. The proposal is therefore not in accordance with the advice contained in policies RES5 and HER1 of the Inverclyde Local Development Plan, Historic Environment Scotland's "Managing Change in the Historic Environment" guidance notes and the SHEP which seeks to preserve the historic environment. As such I am unable to support the application.

RECOMMENDATION

That the application be refused

Reasons

1. The solar panels installed detract from the character and appearance of the existing building and the surrounding area, and fail to preserve or enhance the appearance of the Greenock West End Conservation Area.
2. The proposal does not accord with the advice contained in policies RES5 and HER1 of the Inverclyde Local Development Plan, Historic Environment Scotland's "Managing Change in the Historic Environment" guidance notes and the Scottish Historic Environment Policy which seeks to preserve the historic environment.

Signed:



Case Officer: Mike Martin



Stuart Jamieson
Head of Regeneration and Planning

HISTORIC SCOTLAND'S SCOTTISH HISTORIC ENVIRONMENT POLICY DECEMBER 2011



SCOTTISH HISTORIC ENVIRONMENT POLICY December 2011



SCOTTISH HISTORIC ENVIRONMENT POLICY December 2011

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INTRODUCTION

1. Scotland's historic environment contributes to the Scottish Government's strategic objectives and to the National Performance Framework. The *Scottish Historic Environment Policy* (SHEP) document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Scotland and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment. These include the Scottish Government, local authorities and the range of bodies that is accountable to Scottish Ministers, including Historic Scotland. The SHEP complements and has the same authority as the Scottish Planning Policy and other relevant Ministerial policy documents. The SHEP is a relevant document in the statutory planning, Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) processes.
2. The original SHEP series was a response to the review of Historic Scotland in 2003–04 which recommended that an 'Executive endorsed policy statement for the historic environment in Scotland should be developed in consultation with stakeholders...'. Historic Scotland is an executive agency of the Scottish Government and its Framework Document sets out the roles and responsibilities of Scottish Ministers and the Chief Executive, who is accountable to Ministers for the operation of the agency (see Note 0.1). Everything that Historic Scotland does is done on behalf of Scottish Ministers, and a specific reference to the organisation in this document usually means that the agency has an operational role in handling applications or other matters.
3. The SHEP series was originally developed as individual free-standing documents. The single, combined SHEP was first published in October 2008 and revised in July 2009.
4. This revision of SHEP takes account of policy and legislative changes that have been introduced since the document was last updated in 2009. These are:
 - the Historic Environment (Amendment) (Scotland) Act 2011 ("the 2011 Act");
 - the Marine (Scotland) Act 2010 ("the 2010 Act");
 - the adoption of a UK Marine Policy Statement; and,
 - Scottish Ministers' policies for the designation and management of Historic Marine Protected Areas.

This revision represents a tightly focused matter-of-fact update that will ensure that SHEP reflects the new legal context which underpins Scottish Ministers' strategic policies for the historic environment. We have also updated figures and historic environment data within the SHEP.

5. The 2011 Act (The Bill for which received Royal Assent on 23 February 2011) amended the following 3 principal Acts:
 - the Historic Buildings and Ancient Monuments Act 1953 (“the 1953 Act”);
 - the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”); and
 - the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the 1997 Act”).

All references to the above principal Acts in this revision of SHEP are to be read as having been amended by the Historic Environment (Amendment) (Scotland) Act 2011.

6. The *Memorandum of Guidance on Listed Buildings and Conservation Areas* which was last published in August 1998 is now fully superseded by the SHEP and Historic Scotland’s *Managing Change* leaflets.
7. The *Scottish Historic Environment Policy*, the combined *Scottish Planning Policy* and Historic Scotland’s *Managing Change in the Historic Environment* guidance note series (as confirmed in Planning Circular 9 2009) are the documents to which planning authorities are directed in their consideration of applications for conservation area consent, listed building consent for buildings of all three categories (see Note 2.19), and their consideration of planning applications affecting the historic environment and the setting of individual elements of the historic environment. Planning authorities are also directed to these documents to assist them in development planning. Historic Scotland will notify planning authorities in writing when new guidance notes in their *Managing Change in the Historic Environment* series are issued.
8. A UK Marine Policy Statement adopted by all the UK administrations provides a framework for considering the historic environment in the preparation of Marine Plans, which in turn guide decisions affecting the marine environment around Scotland (see Note 0.2).

CHAPTER 1: SCOTLAND'S HISTORIC ENVIRONMENT

- 1.1. Scotland's distinctive character has been shaped by over 10,000 years of human activity. Past generations have left their mark in the form of monuments, buildings and sites, in our towns and cities and in the countryside around us, even in the patterns of our streets and fields. This rich historic tapestry is our **historic environment**. The historic environment is part of our everyday lives. It helps give us a sense of place, well-being and cultural identity. It enhances regional and local distinctiveness. It forges connections between people and the places where they live and visit. It helps make Scotland a great place to live and work. It is important that everyone in Scotland takes care of this inheritance now, so that future generations will also be able to enjoy it.
- 1.2. The historic character of our environment is important to our quality of life and sense of identity. Many of its elements are precious, some are not well understood; if it is lost or damaged, it cannot be replaced. The historic environment requires careful and active management to ensure its survival.

The Historic Environment

Our whole environment, whether rural or urban, on land or under water, has a historic dimension that contributes to its quality and character. It has been shaped by human and natural processes over thousands of years. This is most obvious in our built heritage: ancient monuments; archaeological sites and landscapes; historic buildings; townscapes; parks; gardens and designed landscapes; and our marine heritage, for example in the form of historic shipwrecks or underwater landscapes once dry land.

We can see it in the patterns in our landscape – the layout of fields and roads, and the remains of a wide range of past human activities.

Importantly, it also includes our buildings erected before 1919 (see Note 1.1). Although the majority of older buildings are not listed, most provide flexible and often spacious domestic and non-domestic accommodation. A huge investment of money, energy and materials went into these buildings – it would be poor stewardship of this inheritance to neglect it.

The context or setting in which specific historic features sit and the patterns of past use are part of our historic environment. The historical, artistic, literary, linguistic, and scenic associations of places and landscapes are some of the less tangible elements of the historic environment. These elements make a fundamental contribution to our sense of place and cultural identity.

- 1.3. The sense of place and the strong cultural identity provided by the historic environment plays a large part in the maintenance and regeneration of communities and in promoting a positive image of Scotland across the world. Scotland is also custodian of a number of World Heritage Sites, which have 'outstanding universal value' (see Note 1.2).

- 1.4. Interest in and efforts to conserve aspects of the historic environment were first given legal form in the UK in 1882. Now a web of international treaties and conventions underpins European and national law and regulation to ensure that Scotland's historic environment is protected, and that change in the historic environment is undertaken on the basis of sound evidence. Ministers are committed to ensuring that Scotland delivers on its international obligations and that we are seen as an international exemplar of how a small country can care for its historic environment.
- 1.5. Everything changes, matures and decays. Natural processes, such as climate change and erosion, and human interventions through land management, urban and rural development, transport and pollution, constantly erode or change our historic environment. The sustainable management of the historic environment is an integral part of the wider management of resources.
- 1.6. The historic environment has been adapted over time to meet changing needs. Our view of what is important develops and changes. New buildings, sites and environments are created, and over time, become historic. The challenge for sustainable management of the historic environment and how it contributes to the vitality of modern life, is to identify its key characteristics and to establish the boundaries within which change can continue so that it enhances rather than diminishes historic character.
- 1.7. The remains of the past can act as a powerful catalyst and a stimulus to high-quality new design and development, leading to successful regeneration and community-building. We believe that the historic environment should be valued as an asset, rather than thought of as a barrier to development. It reinforces the identity of communities, and can add value, provided that value is recognised at the outset and it becomes an integral part of any development or regeneration project.
- 1.8. **The protection of the historic environment is not about preventing change.** Ministers believe that change in this dynamic environment should be **managed intelligently and with understanding**, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities.
- 1.9. The historic environment faces many challenges:
 - a. poor understanding of the positive role it can play in the maintenance, development and regeneration of communities, their culture and their economy;
 - b. short-term visions for the development of places;
 - c. changing land-management practices and restructuring in the farming industry;
 - d. lack of knowledge and understanding of how older buildings were constructed and perform and their maintenance needs;
 - e. loss of sites to coastal and plough erosion;
 - f. inappropriate change that reduces the cultural significance, or detracts from the appearance or quality of conservation areas;
 - g. the needs of renewable energy generation;

- h. achieving a good carbon footprint for older buildings while maintaining their cultural significance;
- i. the lack of traditional skills, suitably-qualified craftsmen and locally-available materials for the maintenance and repair of the historic environment.

SCOTTISH MINISTERS' VISION AND KEY PRINCIPLES

Vision

- 1.10. We can see Scotland's history through its historic environment, which reflects the strength and diversity of different regions, and the contribution of many cultures and peoples. Scottish Ministers want everyone who lives in Scotland to have the opportunity to understand and connect with the historic environment. Scottish Ministers have made large areas of Scotland's historic landscapes freely accessible through new rights of access to land and inland waters. There is a real and growing interest in the historic environment and the crucial part it plays in Scotland's cultural identity. Scottish Ministers believe that the people of Scotland are entitled to expect the historic environment to be protected, cared for and used sustainably so that it can be passed on to benefit future generations.
- 1.11. The protection and enhancement of the historic environment contributes to the Scottish Government's central purpose, which is 'to focus government and public services on creating a more sustainable country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth' (see Note 1.3). To support that, the Scottish Government has identified as a national outcome that 'We value and enjoy our built and natural environment and protect and enhance it for future generations'. Scottish Ministers will therefore take account of the wider sustainability agenda in all their decisions on matters relating to the historic environment. In particular, they will look to Historic Scotland to practise sustainable management of the properties in their care, to promote green tourism, and to advise other bodies on the sustainable management of the historic environment. Sustainable management practices recognise that the protection and management of the historic environment is best carried out in balance with the surrounding environment, not in isolation from it. Scottish Planning Policy and the UK Marine Policy Statement set out how this will be managed in terrestrial and marine planning systems respectively.
- 1.12. Scottish Ministers want to:
- a. realise the full potential of the historic environment as a resource – cultural, educational, economic and social – across every part of Scotland and for all the people;
 - b. make the best use of the historic environment to achieve their wider aims of economic and social regeneration;
 - c. identify the many aspects of our environment and protect and manage them in a sustainable way to secure their long-term survival and preserve their embodied energy;
 - d. understand fully all aspects of the historic environment, and their condition and inter-relationships;
 - e. broaden access to the historic environment and break down intellectual, physical and economic barriers;
 - f. ensure that effective systems underpinned by appropriate legislation and information are in place to conserve and manage the historic environment.

Key outcomes

- 1.13. Scottish Ministers are determined to achieve three key outcomes for Scotland's historic environment by putting in place a strategic policy framework for the historic environment, investing in its delivery and working in partnership with others:

Key Outcome 1: that the historic environment is cared for, protected and enhanced for the benefit of our own and future generations.

Key Outcome 2: to secure greater economic benefits from the historic environment.

Key Outcome 3: the people of Scotland and visitors to our country value, understand and enjoy the historic environment.

The historic environment can make a valuable contribution to Scottish Ministers' wider agenda to create an aspiring, confident country with sustainable economic growth, confident communities, a vibrant and dynamic cultural life, and offering unparalleled tourism opportunities. Progress towards these outcomes will be measured by Scotland's Historic Environment Audit (see para 1.48) and by other targeted research.

Key principles

- 1.14. The policy of Scottish Ministers is that:
- a. actions taken in respect of Scotland's historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations;
 - b. there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it;
 - c. Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value;
 - d. all of the people of Scotland should be able to enjoy, appreciate, learn from and understand Scotland's historic environment, and be assisted in that through access, research, knowledge, information and education and proactive conservation investment, without compromise to cultural significance.
- 1.15. The conservation of any part of Scotland's historic environment should:
- a. be based upon sound knowledge and understanding of the particular site, building, monument or landscape, and of its wider context;
 - b. be founded on full awareness and consideration of its cultural significance and all phases of its development;
 - c. be carried out in accordance with a conservation plan, which brings together all of the information and research necessary to guide the proposed action;

- d. ensure that what is to be conserved is properly recorded before and, if necessary, during and after work;
 - e. make provision for recording where continued preservation is no longer possible or where loss is taking place through change or ongoing decay, and ensure that all records are retained in readily accessible archives;
 - f. incur only the minimum degree of intervention considered appropriate by the relevant authority for the type of site, building, monument or landscape;
 - g. use appropriate technical knowledge, materials, skills and methods of working;
 - h. have regard to retaining, or where appropriate enhancing, the setting of the site, monument, building or landscape;
 - i. ensure that, where change is proposed, it is appropriate, carefully considered, authoritatively based, properly planned and executed, and (if appropriate) reversible;
 - j. include effective arrangements for monitoring the condition and safety of the historic asset and for delivery of routine maintenance and good housekeeping;
 - k. take account of the rich biodiversity of many historic sites, buildings and landscapes.
- 1.16. The relevant bodies with responsibilities for any aspect of the historic environment should ensure, as appropriate, that:
- a. the regimes affording protection to the historic environment are fit for purpose;
 - b. effective use is made of the statutory provisions available to protect the historic environment;
 - c. the historic environment is afforded due respect in all their activities;
 - d. the highest standards are set for, and applied to, the broad range of conservation practices;
 - e. appropriate and effective systems are established for monitoring and recording the condition of the historic environment;
 - f. suitable knowledge, skills, materials and technologies are available to enable conservation and management to be carried out in ways that safeguard the intrinsic archaeological, architectural, historical, physical and cultural significance of the heritage;
 - g. support, advice, encouragement, and clear and comprehensive guidance are readily available to all whose activities have an impact upon the repair, maintenance, management, protection and conservation of the historic environment;
 - h. training and education to enhance the quality of conservation practice and actions are widely available;
 - i. they work in partnership where there are shared interests.

Cross-cutting policies

- 1.17. Scottish Ministers' policies for the historic environment are closely related to other important cross-cutting policy areas:
- a. access to historic sites and the wider historic environment supports education, lifelong learning, internal and external tourism, and provides opportunities for exercise that promotes healthy bodies and minds;
 - b. the care, repair and maintenance of the historic environment provides employment in town and country, provides a major contribution to the turnover of the Scottish construction industry and supports the survival and expansion of traditional skills;
 - c. attractive and richly textured townscapes and rural landscapes promote Scotland as a good place to live and work;
 - d. the maintenance and regeneration of the historic environment helps support strong, safer communities;
 - e. the care, repair and maintenance of the historic environment has a significant part to play in wider sustainability policies;
 - f. so much of our environment is 'historic' that there are major links to policy on architecture, land management, planning and building standards;
 - g. there are close links between the historic environment and wider land-use and nature conservation policies that sustain a healthy landscape, diverse ecosystems and vigorous rural communities.

PARTNERS IN THE VISION

- 1.18 Scottish Ministers' vision for the historic environment can only be achieved by working in partnership with others in the historic environment community and beyond it. Some partnerships are statutory; most are voluntary. Much of this partnership working will be led on Scottish Ministers' behalf by Historic Scotland.
- 1.19 Scottish Ministers look to Historic Scotland to work in an open, inclusive and transparent way, to engage with stakeholders and to work in partnership in taking forward the visions and ambitions set out in this paper. In particular, Scottish Ministers look to Historic Scotland to work with:
- a. local authorities, which are key agents in protecting the historic environment and in harnessing the potential of the historic environment to contribute to Scotland's economic and social success. Scottish Ministers expect local authorities to play a full role in achieving their objectives for the historic environment (see Note 1.4);
 - b. the Royal Commission on the Ancient and Historical Monuments of Scotland (see Note 1.5);
 - c. Scottish Natural Heritage (SNH), with which Historic Scotland has a concordat. SNH has a significant role in the conservation of Scotland's landscapes, all of which have a historic element;
 - d. commercial, charitable and private owners and tenants of historic environment assets, who have a crucial role to play in conserving the fabric of the historic environment and, where appropriate, allowing and promoting public access and enjoyment;

- e. the voluntary sector, which makes a recognised and valued contribution: engaging local communities and individuals; undertaking important initiatives such as coastal archaeology surveys; acting as representative bodies for special interest groups; taking active roles in conserving individual sites or whole townscapes;
 - f. Scottish and UK government departments, executive agencies, non-departmental bodies and other bodies with direct responsibilities for parts of the historic environment, whether managing individual assets or areas of landscape or with key policy responsibilities, and whose policies impact on the historic environment. There are more details about the responsibilities placed upon the government sector in Chapter 5 and paragraphs 1.40 and 1.41 below;
 - g. sources of expertise, whether individuals or organisations, which can enhance the policy-making process and strategic decision-making for the historic environment;
 - h. the National Park Authorities, which have a statutory aim to conserve and enhance the cultural heritage;
 - i. the wider cultural heritage sector, including national and local museums, galleries, theatres, libraries and archives, because the historic environment plays a major role in Scottish culture;
 - j. educational and training institutions, which have an important role to play in research, formal and informal education and training of people of all ages;
 - k. the wider public sector, working with organisations with important and varied roles to play such as: Architecture+Design Scotland; the Heritage Lottery Fund; The Lighthouse, Scotland's Centre for Design and Architecture; Scottish Enterprise; Highlands and Islands Enterprise; and the Enterprise Network;
 - l. bodies working in other areas, such as social issues like citizenship, young people's needs and the needs of ethnic minorities, where the historic environment can have a beneficial impact;
 - m. the building industry;
 - n. professional bodies active in maintaining standards, skills and regulation in the historic environment sector.
- 1.20. The sustainable management of the historic environment has an impact on the broader environment, as well as economic and social implications. Working in partnership not only enables us to take on board competing priorities and weigh up conflicting concerns, it also opens up positive opportunities to enhance our environment. To this end, Historic Scotland has entered into, or is in discussion about, formal agreements with partner organisations to clarify their respective roles and how they will engage. The Agency keeps the need for such agreements under review on a case by case basis.
- 1.21. Individuals, business and organisations working together to a common purpose can ensure that a shared vision for the historic environment is delivered as a reality.

- 1.22. All responsible public organisations, non-governmental organisations or large businesses whose activities have a significant effect on the way the historic environment is conserved or managed should have in place robust strategic and operational policies to set out their engagement with the historic environment and the bodies which take the lead in caring for it.
- 1.23. Scottish Ministers will ensure that the historic environment is, where appropriate, taken account of from the earliest stage of developing Scottish Government policy and that of other public bodies.

IDENTIFICATION, DEFINITION AND DESIGNATION

- 1.24. Scotland, like all countries in the developed world, has in place legislation and systems to identify and record its historic environment, and legislation and regulation to protect important monuments, buildings, landscapes and areas and to control what happens to them. Scottish Ministers are committed to protecting Scotland's historic environment and to ensuring that effective legal and administrative systems are in place and maintained, to identify, record, conserve and enhance it in the national interest for present and future generations.
- 1.25. It is vital that we understand the many different forms the historic environment can take and the historical and cultural significance of all its different elements. This will allow us to develop clear criteria for protecting Scotland's historic environment. The most significant historic assets are protected through national systems of designation; others are protected or managed through other mechanisms such as the planning system or the system of government payments to farmers.
- 1.26. Identifying and designating heritage assets is a continuous process as each generation assesses and re-evaluates the inheritance it wishes to pass on to succeeding generations. That process also takes account of improvements in our understanding of the historic environment, brought about by continuing academic research and by developments in technology, such as geographic information systems and new techniques for recording and investigation. Scottish Ministers are committed to continuing this process and will look to Historic Scotland, the Royal Commission on the Ancient and Historical Monuments of Scotland and other key bodies to play complementary roles and to share knowledge and expertise.
- 1.27. The desire to protect and the identification of what to protect must flow from values that are shared across Scotland. Scottish Ministers are committed to ensuring, in part through this SHEP, that the principles and processes behind identification and designation are open and well-understood; that appropriate review mechanisms are in place and that owners and occupiers of assets proposed for designation have the opportunity to be consulted.

PROTECTION AND MANAGEMENT OF THE HISTORIC ENVIRONMENT

- 1.28. Scottish Ministers are committed to protecting and managing Scotland's rich and diverse historic environment in a sustainable way so that current and future generations can understand appreciate and benefit from it. Scottish Ministers have put in place, and will continue to support, a range of actions to achieve this.
- 1.29. Scottish Ministers want to recognise the value of the wider historic environment: so that people have attractive, varied and interesting places to live; so that the wider history of Scotland continues to be reflected in its landscapes and townscapes; so people can feel connected to where they, and perhaps their ancestors, lived.

- 1.30. Understanding the development of our environment through time helps inform decision-making about its management. It offers a longer-term perspective on important topics such as the nature and impact of past climate change and past management of the land, soil degradation, loss of woodland, building decay processes and the results of past economic and industrial development. Good stewardship of the historic environment can make a contribution towards addressing wider issues like energy conservation (maintaining and using existing resources and embodied energy) and reuse of buildings and building materials (including recycling). The use of local resources, traditional materials and skills can help reduce the impact of transportation.
- 1.31. Scottish Ministers want to emphasise the contribution made to a sustainable Scotland by the repair, maintenance, preservation and reuse of our older buildings, particularly the half million traditionally-constructed domestic buildings built before 1919. It is their policy that the waste caused by unnecessary demolition and replacement, with consequent loss of embodied energy, the need for landfill and the sourcing and transport of new materials, should be avoided wherever possible. Ministers will develop policy aimed at minimising the carbon footprint of older buildings on the basis of sound research that takes account of the characteristics and materials of traditional construction and respects the value of the diverse historic character of these buildings, and the contribution they make to the identity and quality of townscapes and rural landscapes.
- 1.32. The principles of good stewardship are set out immediately below. The philosophy underlying good stewardship is that it is essential to manage the historic environment carefully for both present and future generations. This clearly resonates with the concept of sustainability and the wise use of resources.
- 1.33. Maintaining quality is a key aim of good stewardship and involves the following considerations:
- a. proper repair and maintenance of the historic environment is generally the most sustainable course of action;
 - b. management, and any proposed alteration or change of use, should be appropriate and follow best conservation practice;
 - c. to retain historic character and future performance of older buildings it is important to use appropriate and compatible materials and construction techniques;
 - d. it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials;
 - e. provisions for access should be appropriate to the character of the historic environment and should be adequately monitored.
- 1.34. It is recognised that some conflict can arise between the sustainable management of the historic environment and actions that are considered sustainable in other respects. It is also possible that the impact of proposed actions on the historic environment will be uncertain. In these cases the risk of potentially damaging actions should be minimised by following these key principles:
- a. ensure that existing and intended management or use is appropriate and based on best available knowledge;
 - b. ensure that any proposed change of use is necessary;

- c. use appropriate assessment methodologies to determine the full impact of any proposed management, use or development;
 - d. avoid change wherever its effects cannot be adequately assessed;
 - e. where change is to proceed, adopt strategies to mitigate its impact and keep any interventions to a minimum;
 - f. ensure that management or alteration, including remedial work, is sympathetic to historic character, using compatible materials and construction techniques.
- 1.35. The protection and sustainable management of the historic environment also depends on understanding the techniques used in the original construction and on the availability of the appropriate indigenous traditional building skills and materials. Scottish Ministers are committed to establishing a proper understanding and awareness of what is needed.
- 1.36. There is a range of mechanisms in place to protect and manage the historic environment. For example, once an important monument, building or shipwreck has been identified and appropriately designated, specific consents may need to be sought or special consideration be given within the planning system. Where Scottish Ministers have a direct role to play in these processes they are committed to having clear policies that ensure consistency, transparency and fairness. They look to Historic Scotland to provide clear and consistent advice and to promote good practice in considering and managing change to the historic environment.
- 1.37. Scottish Ministers expect Historic Scotland and planning authorities to work together to try to improve mutual understanding, to find ways of increasing efficiency in administrative processes, and to remove impediments to the fuller use of the powers available both to designate and protect historic assets.
- 1.38. Scottish Ministers also look to the planning authorities to undertake their responsibilities for the historic environment in a pro-active and committed way. They should develop appropriate policy frameworks and procedures, and use all local mechanisms available to them for designation, management and control. They should also ensure that they have access to sufficient information and suitably qualified and experienced staff to meet their needs.
- 1.39. Scottish Ministers have direct responsibility for the management of over 340 monuments in their care and recognise that they hold these monuments in trust for future generations. Ministers are committed to conserving the monuments in a way that exemplifies the principles of sustainable management, and to making them accessible to the public. Further information is provided in Chapter 4.

Responsibilities of government departments

- 1.40. It is long-established policy that all government departments should discharge properly their duty of care for heritage assets they own or lease. This means that, for example, the Ministry of Defence has robust policies and procedures in place for the management of historic buildings and archaeological sites and landscapes on its bases and training areas.
- 1.41. Scottish Ministers expect all departments and agencies of the Scottish Government, all UK government departments and agencies operating in Scotland, and all non-departmental public bodies to adopt and adhere to current policy and guidance set out in Chapter 5.

INVESTMENT IN THE HISTORIC ENVIRONMENT

- 1.42. Scottish Ministers recognise that investment in the fabric and management of Scotland's historic environment is needed to meet the objectives they have set for its care, protection and enhancement, and for increasing public appreciation and enjoyment. Investment will also ensure that the historic environment is maintained as an irreplaceable asset that makes a major contribution to Scotland's economic, social and cultural well-being. Ministers are committed to promoting high-quality standards of repair, maintenance, and conservation and the sympathetic re-use of heritage assets where this is appropriate.
- 1.43. Most of Scotland's historic environment assets are owned by individuals, businesses, charities or public bodies. It is their responsibility to maintain and care for their properties. Scottish Ministers will make every effort to encourage good stewardship and proper standards of regular maintenance and repair, and to help owners make informed choices about changes to their properties. Historic Scotland will provide information and advice to enable owners to make informed decisions about the well-being of their property and will support and encourage other bodies outside government in providing such information. Owners can also look to the Scottish Government Rural and Rural Payments and Inspections Directorates and the Royal Commission on the Ancient and Historic Monuments of Scotland to provide appropriate information.
- 1.44. Scottish Ministers recognise that there can sometimes be additional costs associated with repairing and conserving historic buildings, sites and monuments that may on occasion require public support. For example, support may be justified where the private benefit is low or where the effort to rescue or adapt a building may be beyond ordinary market forces. Scottish Ministers are therefore committed to providing appropriate investment through grant schemes operated on their behalf by Historic Scotland and by other public bodies. Through this Ministers aim to:
- a. meet the repair and conservation needs of the most important elements of the historic environment;
 - b. deliver benefits to communities by helping to regenerate and promote the active use and ongoing care, repair and maintenance of the historic environment, broadening access to it, promoting sustainable economic and rural development and reinforcing local identity and sense of place;
 - c. champion quality and develop skills and knowledge by promoting high standards of repair and maintenance, training in traditional craft skills, the continued access to and use of indigenous building materials and the educational value of the historic environment;
 - d. build capacity for local heritage management by enabling voluntary heritage organisations, network bodies and local authorities to deliver successful outcomes for the historic environment.
- 1.45. Scottish Ministers are committed to investing in the conservation of monuments and properties that are in their own care or are their responsibility as part of the Government Estate, which includes buildings, wild and farmed land, forests, bridges and harbours. They are committed to ensuring that their investment meets the conservation needs of these monuments and buildings and sets the benchmark of good practice with the appropriate knowledge, skills and materials.

ACCESSIBILITY AND UNDERSTANDING

- 1.46. The historic environment is all around us. Specific places, buildings and sites are generally widely accessible and provide immense opportunities for enjoyment. These range from the pleasures of the views of the World Heritage Site afforded from the battlements of Edinburgh Castle, to a visit to Kilmartin Glen, with its evocative remains of Scotland's prehistoric peoples. Throughout Scotland places of historic or architectural interest, in cities, towns, villages and the countryside, are readily accessible, very often on our doorstep. Scottish Ministers are committed to assisting the owners of such places across Scotland to promote and enable access to them.
- 1.47. Scottish Ministers believe that there needs to be greater awareness, knowledge and understanding of the historic environment. This needs to address lay, vocational, technical, professional, scientific and academic needs. Better understanding should inform interpretation, enabling people to understand the development of the historic environment and the significance of key monuments in Scottish history. A fuller evidence base will inform policy making and investment decisions.

Scotland's Historic Environment Audit

- 1.48. Scottish Ministers have established an ongoing, audit of Scotland's historic environment (see Note 1.6). Historic Scotland leads the audit process, which draws on current data and research about the historic environment. SHEA provides, in one place, basic facts and figures that are of practical use for the sector in managing the historic environment. The data can also be used by anyone with an interest in the historic environment. Scottish Ministers expect Scotland's Historic Environment Audit to play an important role in building the evidence base for policy-making.
- 1.49. Scottish Ministers want the Government and its agencies to participate in the audit and would encourage all other members of the sector, particularly local government, to take part, in particular through the provision of data.

Technical, professional and academic knowledge

- 1.50. The historic environment cannot be managed or cared for without a basic understanding of its nature and how it is changing. Scottish Ministers are committed to increasing and sharing knowledge more widely about the historic environment. They will undertake and promote research:
- a. on individual sites, buildings and landscapes through survey of various kinds, excavation and documentary research;
 - b. into older buildings to inform policies and strategies for maintenance and the supply of skills and materials;
 - c. into the economic value and impact of the historic environment, including its vital role in Scotland's tourist industry.
- 1.51. To support this, Ministers expect Historic Scotland to continue to extend and update their series of publications, both for expert and for more general audiences, and to continue to work in partnership with other bodies to develop accessible sources of information, knowledge and training about the historic environment. Examples of where this has already been successful include PASTMAP (see Note 1.7), the Historic Landuse Assessment Project, Technical Advice Notes and Practitioners Guides.

Access and educational initiatives

- 1.52. The Scottish Ministers recognise the value of the historic environment as a significant learning resource and look to Historic Scotland and other relevant bodies to encourage initiatives which support statutory formal education, further education and lifelong learning. Historic Scotland is at the forefront in promoting understanding of the historic environment to learners of all ages, welcoming some 100,000 learners each year as they take part in free educational visits to properties in the care of Scottish Ministers, and in promoting the historic environment as a resource to help deliver the Scottish schools' curriculum for pupils aged 3 to 18.
- 1.53. Scottish Ministers are committed to promoting access and enjoyment of the historic environment. They will continue to support a broad range of initiatives and projects such as:
- a. working with local authorities to promote access to and understanding of the historic environment, to facilitate the integration of the historic environment with wider social justice, lifelong learning and capacity-building initiatives;
 - b. supporting Historic Scotland's aim of promoting intellectual and physical access for the nearly three million visitors a year to its properties in care by carefully balancing the requirements of the various Equality duties with the sensitivities and practical constraints of these culturally significant sites;
 - c. promoting access to information on the historic environment through the work of the Royal Commission on the Ancient and Historical Monuments of Scotland, and through developing and extending the PASTMAP website;
 - d. supporting the National Trust for Scotland in caring for some of Scotland's most important historic buildings and landscapes and working with the Historic Houses Association in Scotland and other bodies to promote the positive stewardship of the historic environment that is in private ownership;
 - e. working with The Lighthouse, Scotland's Centre for Design and Architecture, to explore the productive relationship between the historic and contemporary in architecture and environment;
 - f. supporting the voluntary heritage sector, which in turn supports local people in caring for and becoming involved in their historic environment.
- 1.54. Scottish Ministers will also seek out new ways of promoting and enabling access and understanding, for example by exploring opportunities for greater community involvement and the development of cultural tourism routes.

Interpretation

- 1.55. Scottish Ministers want to increase awareness and understanding of the historic environment and of Scotland's history. They recognise the value of a wider understanding of the significance of the historic environment, of connecting people to tangible evidence of their past, and its role in developing a confident national identity. Ministers have asked Historic Scotland to continue to develop new and innovative ways of presenting and interpreting the historic environment for a diverse range of visitors. Scottish Ministers expect Historic Scotland to continue to

develop good practice in interpretation in partnership with other interpretation providers in Scotland, supporting excellence in the heritage tourism portfolio.

RELEASING THE FULL POTENTIAL

- 1.56. Scottish Ministers recognise that the historic environment is one of Scotland's greatest assets – economic, cultural and social. It provides the setting for Scotland as an attractive place to invest in, visit, work and live. It is a generator of wealth in both urban and rural areas, capable of attracting millions of visitors to Scotland each year.
- 1.57. Scottish Ministers wish to stress the importance they place on the intrinsic value of the historic environment, as part of the embodiment of the nation's identity, and on the value of the historic environment for Scotland's social and cultural success.
- 1.58. Economic, social and cultural values come together in the important role the historic environment has in building, maintaining and regenerating communities.
- 1.59. Scottish Ministers see the historic environment as a vibrant and crucial asset in three key areas of economic activity.

Tourism

- 1.60. Tourism is one of the world's biggest and most resilient business sectors. It is also one of Scotland's largest industries and Ministers have endorsed challenging targets for growth over the next 10 years. Historic Scotland is a key player in the Scottish tourism industry, both as a provider of heritage visitor attractions and as an employer in rural and urban settings throughout the country. Research shows quite clearly that visitors to Scotland, particularly those from overseas, want to visit castles and other heritage attractions, and the important role played by tourist visits by Scots within Scotland must not be forgotten. Scottish Ministers expect Historic Scotland to work in partnership with the private and public sectors to maximise opportunities in the promotion of Scotland – both within and beyond the border – as a tourist destination. Ministers expect Historic Scotland, as the operator of some of Scotland's most popular visitor attractions, to continue to invest in improving what is offered to the visitor.

Building, supporting and regenerating communities

- 1.61. The historic environment has a key role to play in regeneration. Scottish Ministers want to build on past success and to see more regeneration projects that have a clear understanding of the cultural value of the historic environment, how it has developed over time, and how it can be used creatively to meet contemporary needs. Historic Scotland's Conservation Area Regeneration Scheme will be able to contribute to this process as will the City Heritage Trusts that are now established in all of Scotland's cities and supported by Scottish Ministers through Historic Scotland.

Construction industry

- 1.62. Scottish Ministers are committed to the support of the construction industry in its role in maintaining the historic environment. The care and maintenance of the historic environment is an important factor in the economic security of Scotland's construction industry. 33% of the industry's annual £9.6 billion turnover comes from the repair and maintenance of existing building stock, with an estimated £0.6 billion spent on pre-1919 buildings each year. Scottish Ministers have invested

£145 million in historic building repair grants since 1999, leveraging in a further £543 million from private, commercial and other public sources. This investment and expenditure supports employment across Scotland and has been important in retaining at least a base in the traditional skills required to repair and maintain the historic environment. Scottish Ministers believe that this investment is well-targeted and look to Historic Scotland to play a key role in helping to educate, train and inform owners, the professions, business and industry how they can best invest in the maintenance, repair and enhancement of their property.

Skills and materials

- 1.63. The sustainable management of the historic environment has an impact on the broader environment, as well as economic and social implications. For example, the use of locally-produced traditional building materials and skilled craftsmen, which are essential for maintaining the quality and diversity of the historic environment, brings benefits to the local economy. At the same time, repairing and using traditionally-constructed buildings using appropriate materials and labour from local sources reduces carbon emissions, the costs of transport and its harmful impact on the environment.
- 1.64. Scottish Ministers share the widespread concern about the maintenance and repair of older buildings:
 - a. traditional building construction and performance is not as well-understood as it should be, and the inappropriate use of modern materials and techniques have frequently been shown to be damaging, counter-productive or a waste of money;
 - b. traditional skills necessary for ensuring appropriate repair and maintenance – masonry, carpentry, roofing – are in decline, meaning that many repairs are carried out by tradesmen who do not have the necessary understanding of traditional construction techniques, or the required knowledge and experience;
 - c. materials necessary for appropriate repairs – such as slate and building stone – may be available locally but may be inaccessible. Inappropriate alternatives often have to be transported, unsustainably, from great distances.
- 1.65. Ministers will look to Historic Scotland to take the lead in addressing these issues, working in partnership with others in other parts of the Scottish Government and the wider public, industry, commercial, professional and voluntary sectors.
- 1.66. The management of the historic environment requires the use of natural resources, through, for example, conservation actions, such as access to and supplies of the materials used in the repair of structures; and through visitor activities, particularly the means of transport used. It is important that we try to understand and minimise the impact of such actions.
- 1.67. Scottish Ministers will work with partners – particularly local authorities and professional and industry lead-bodies – to address these issues, and will ensure that the Scottish Government takes a 'joined-up' approach to dealing with the problems and developing solutions.
- 1.68. There are other skills that Scotland must cultivate: the 'people' and organisational skills to promote Scotland's historic visitor attractions; the land management skills necessary to maintain the historic environment; the professional skills needed to investigate, understand and protect the historic environment.

CHAPTER 2: DESIGNATION

INTRODUCTION

- 2.1. This chapter sets out Scottish Ministers' policies on the designation of sites and structures which are particularly important features of the historic environment. It covers six statutory designations:
- **Ancient Monuments**, which are designated through *scheduling*;
 - **Buildings and other structures** which are designated through *listing*;
 - **Conservation Areas**
 - **Historic Marine Protected Areas**
 - **Gardens and Designed Landscapes**
 - **Historic Battlefields**
- 2.2. Historic Scotland is part of the Scottish Government and acts for Scottish Ministers. This chapter makes specific references to Historic Scotland where the agency has operational responsibility or where, in particular circumstances, contact should be made directly with Historic Scotland.

Scottish Ministers' general policies on designation

- 2.3. There are some policies that apply to all forms of designation relating to decision-making, transparency and communication. These are: that decisions on designation and removing a designation will be made on the basis of the best evidence available; that information on designated sites, structures and places and on the processes involved with designation will be made widely and easily available; and that all decisions relating to designation will be explained in clear language.

Scheduling

LEGAL AND ADMINISTRATIVE CONTEXT OF SCHEDULING

- 2.4. This section sets out Scottish Ministers' policy for the identification and designation of nationally important ancient monuments. This process plays an important part in the conservation of evidence for Scotland's past.
- 2.5. Ancient monuments offer a tangible, physical link with the past. They are a finite and non-renewable resource containing unique information and have the potential to contribute to increasing our knowledge of our past. Such remains are part of Scotland's identity and are valuable both for their own sake and as a resource for research, education, regeneration, leisure and tourism. The remains are often very fragile and vulnerable to damage or destruction and care must be taken to ensure that they are not needlessly damaged or destroyed.

- 2.6. The United Kingdom government is party to the European Convention on the Protection of the Archaeological Heritage (the ‘Valletta Convention’; see Note 2.1), which places an obligation on States, under Article 2, to institute a legal system for the protection of the archaeological heritage, on land and under water.
- 2.7. The United Kingdom has had legislation in place to protect ancient monuments since 1882. Currently, nationally important monuments in Scotland are protected under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (see Note 2.2). The 1979 Act places a duty on the Scottish Ministers to compile, maintain and publish a Schedule (a list) of monuments. Once included in the Schedule, monuments have legal protection. Up-to-date information on monuments contained in the Schedule is available from Historic Scotland at www.historic-scotland.gov.uk/index/heritage/searchmonuments.htm or through visiting www.pastmap.org.uk
- 2.8. ‘Monuments’ are defined in the 1979 Act as (see Note 2.3):
- a. any building, structure or work, whether above or below the surface of the land, and any cave or excavation;
 - b. any site comprising the remains of any such building, structure or work or of any cave or excavation; and
 - c. any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other moveable structure or part thereof which neither constitutes nor forms part of any work which is a monument as defined within paragraph (a) above.
 - d. Any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.
 - e. any site (other than one falling within paragraph (b) or (c) above) comprising any thing, or group of things, that evidences previous human activity [see Annex 10].
- The definition of ‘remains’ includes any trace or sign of the previous existence of the thing in question (see Note 2.4).
- 2.9. To be scheduled, a monument must meet the Act’s definition. A structure in use as a dwelling house cannot be scheduled as an ancient monument, nor can buildings in ecclesiastical use.
- 2.10. The process of scheduling under the terms of the 1979 Act is entirely separate from the process of listing under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (see Note 2.5).
- 2.11. The process of scheduling, ‘descheduling’ (removing a monument from the Schedule) and scheduled monument consent (the control of works affecting scheduled monuments) is undertaken on behalf of Scottish Ministers by Historic Scotland.
- 2.12. The sole legal criterion in the 1979 Act for inclusion in the Schedule is that a monument is of ‘national importance’ (see Note 2.6). After consultation, Scottish Ministers have determined what constitutes national importance and how it should be determined. The Criteria and Guidance they have developed are set out in Annex 1 (see Note 2.7).

- 2.13. Once a monument is scheduled, it becomes an offence to carry out, without the prior written consent of the Scottish Ministers (scheduled monument consent), any works which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument (see Chapter 3 and Note 2.8).
- 2.14. The scheduling process and the need for scheduled monument consent run in parallel with the statutory planning process, where planning permission is also necessary for any planned work. The protection of ancient monuments is a material consideration in the determination of planning applications.

SCOTTISH MINISTERS' POLICY ON SCHEDULING

- 2.15. The following principles, additional to those set out in paragraph 2.3 above, will underpin the scheduling process:
- a. the past of all parts of Scotland is worthy of study and should be considered for conservation;
 - b. no part of Scotland's past and no part of Scotland's land is inherently more or less likely to produce monuments of national importance than another;
 - c. scheduling will be based on an appreciation of the regional character of Scotland's past, as reflected in its ancient monuments, and on the basis of an up-to-date set of criteria and guidance;
 - d. scheduling will be applied to monuments across Scotland in a consistent way;
 - e. monuments that no longer meet the criteria for national importance will be removed from the Schedule (descheduled);
 - f. owners and occupiers of land on which monuments lie, and the local authorities in which they are situated, will be consulted on proposals to add a monument to the Schedule, other than in exceptional circumstances;
 - g. scheduling will be an ongoing process that recognises that every generation will have its own view of what comprises its heritage;
 - h. scheduling is applied to secure the legal protection of monuments in the national interest. It is the intrinsic value of the monument to the nation's heritage that is the primary consideration in deciding whether or not a site shall be scheduled and in determining applications for scheduled monument consent.

IMPLEMENTATION OF POLICY ON SCHEDULING

- 2.16. Historic Scotland plays the lead role on behalf of Scottish Ministers in implementing policy on scheduling. In carrying out this work Historic Scotland will:
- a. publish its operational policies on scheduling on its web site;
 - b. maintain the Schedule through a programme of review including, where necessary, updating scheduling documentation and maps, focusing on pre-1979 schedulings in the first instance;
 - c. add monuments to the Schedule in response to requests and as resources permit, especially types of monument or in areas of Scotland under-represented in the existing Schedule;

- d. ensure that information on scheduled monuments is made as widely available as possible, both to specialist users and to the general public; and
- e. keep the strategic and operational policies on scheduled monuments under review.

Listing

LEGAL AND ADMINISTRATIVE CONTEXT FOR LISTING

- 2.17. This section sets out Scottish Ministers' policy on listing: the process that identifies, designates and provides statutory protection for buildings of 'special architectural or historic interest'.
- 2.18. Historic buildings and structures are a highly visible and accessible element of Scotland's rich heritage. They cover a wide range of uses and periods, which together chart a great part of the history of Scotland. They affect all aspects of life, from education to recreation, to defence, industry, homes and worship. Much of Scotland's social and economic past and its present is expressed in these exceptional buildings. Listing recognises their historic importance. This in turn helps ensure that their potential for the study of history and for wider issues such as sustainability, community identity, local distinctiveness, and social and economic regeneration are all fully explored.
- 2.19. The listing process under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 set out here is entirely separate from that for scheduling under the terms of the Ancient Monuments and Archaeological Areas Act 1979 (see above and Note 2.5).
- 2.20. Most European countries have systems to protect and to control change on important historic buildings. The system in Scotland operates under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (see Note 2.9). Listing ensures that a building's special character and interest are taken into account where changes are proposed (see Note 2.10). The Scottish Ministers' lists are compiled for the purposes of the 1997 Act and for the guidance of planning authorities in the performance of their duties set out in the 1997 Act. The Act places a duty on Scottish Ministers to compile or approve lists of buildings of special architectural or historic interest (see Note 2.11). Up-to-date information on buildings on the list is available at <http://www.historic-scotland.gov.uk/index/heritage/historicandlistedbuildings.htm> Listing is the statutory process by which buildings are added to these lists. Once included on the lists the building – both exterior and interior – has statutory protection under the provisions of the 1997 Act. Listing is intended to safeguard the character of Scotland's built heritage and to guard against unnecessary loss or damage.
- 2.21. Any building or man-made structure may be considered for listing. In order to be listed under Section 1 of the 1997 Act any such building or structure must be of special architectural or historic interest. Other factors, such as condition, implications for future use or financial issues are not relevant in considering whether a building should be listed.
- 2.22. Any individual or organisation can propose buildings to Historic Scotland for listing. Buildings can be listed both routinely and in response to new development proposals which appear to threaten as yet unlisted buildings that could be of interest.

- 2.23. Consultation with appropriate persons or bodies with a special knowledge of, or interest in, buildings of special architectural or historic interest will be carried out before a building is listed (see Note 2.12). Consultation with owners is not a requirement under the Act although as a matter of courtesy Historic Scotland will normally consult owners on a proposed listing.
- 2.24. Historic Scotland, is required to inform the planning authority when a building is listed and the local authority is required to notify the owner, lessee and occupier. This will be done as soon as possible after listing takes effect (see Note 2.13).
- 2.25. Once Historic Scotland has decided to list a building or buildings it sends the revised List to the local planning authority (see Note 2.14).
- 2.26. A listing applies to any building within the curtilage of the subject of listing which was erected on or before 1 July 1948 (see Note 2.15). This could include many ancillary structures such as boundary walls, garages or estate buildings.
- 2.27. Any work which affects the character of a listed building or structure will require listed building consent (see Note 2.16). Applications for listed building consent are, in normal circumstances, dealt with by the planning authority (see Note 2.17). Any work carried out to a listed building without consent and which affects its character as a building of special architectural or historic interest, is an offence punishable by a fine or imprisonment.
- 2.28. There is no right of appeal against listing, but Historic Scotland may reconsider a subject's case for designation if a building has lost its special architectural or historic interest, for example through alteration. This may be because the building in question has been demolished or altered in such a way as to reduce its special architectural interest, or because an interested party or the owner, has demonstrated to the satisfaction of Scottish Ministers that the building is not of sufficient architectural or historical interest to merit listing.
- 2.29. Prior to, or at the same time as, formal notification by the local authority, the owners of newly listed or re-categorised buildings are supplied with key documentation and supporting material by Historic Scotland (see Note 2.18).

Certificates of intention not to list

- 2.30. Scottish Ministers may, on the application of any person, issue a certificate stating that they do not intend to list a building for a period of 5 years from the date of the issue of the certificate. This is known as a certificate of intention not to list. When such a certificate has been issued a planning authority may not for that period serve a building preservation notice in relation to the building, or affix such a notice to the building. A person submitting an application to Scottish Ministers for a certificate must at the same time give notice of the application to the planning authority within whose district the building is situated. Additional information about Scottish Ministers' policy in relation to certificates of intention not to list and the certificate of intention not to list process can be found in Annex 11.

SCOTTISH MINISTERS' POLICY ON LISTING

- 2.31. Listing is applied to afford protection, where possible, to buildings of special architectural or historic interest for future generations. The lists are compiled to give guidance to planning authorities in the course of their work by identifying buildings of special architectural or historic interest (see Note 2.19). They inform development, provide awareness of value and character and support the planning process.
- 2.32. Many buildings are of interest, architecturally or historically, but for the purposes of listing this interest must be 'special'. Listing is therefore assessed against a set of clear criteria which are set out in Annex 2.
- 2.33. The following principles, additional to those set out in section 2.3 above, underpin listing policy:
- a. the selection process is informed by a wide range of factors (see Annex 2) which help determine the level of special architectural or historic interest which the subject of listing may possess;
 - b. listing will follow the consistent application of clear criteria, as set out in Annex 2;
 - c. all aspects of Scotland's past are worthy of study and should be considered for listing;
 - d. listing will be based on an understanding of regional differences as expressed in Scotland's architectural and built heritage;
 - e. listing will be an ongoing process that recognises our changing level of knowledge and that every generation will have its own view of what comprises its heritage;
 - f. buildings less than 30 years old will normally only be considered for listing if found to be of outstanding merit and/or facing immediate threat.
- 2.34. Historic Scotland will consult the relevant local authority about a listing proposal or an amendment to the list. Historic Scotland will normally also consult with such other persons or bodies as appear as having specialist knowledge of or interest in buildings of architectural or historical interest. In addition, they will normally consult with the owner of the property.
- 2.35. Where anyone is making or is aware of proposals that might make changes to or lead to the demolition of a building that is not listed but may be of special architectural or historic interest, Scottish Ministers encourage them to contact Historic Scotland as early in the process as possible. This is to enable an assessment of the special interest of a building to ensure that resources are not wasted on abortive schemes.

IMPLEMENTATION OF POLICY ON LISTING

- 2.36. Historic Scotland implements Scottish Ministers' policy on listing. In fulfilling that duty the agency will:
- a. add to, re-categorise or remove subjects from the List through ongoing list maintenance, revision of topographic areas and through thematic surveys;

- b. use a range of techniques and mechanisms such as the Welcome Pack to make relevant information available as widely as possible and pursue a programme to tell people about the process and operational programmes of listing;
- c. publish and regularly update guidance on listing, particularly for the owners and occupiers of listed property;
- d. review operational programmes of work regularly in consultation with stakeholders;
- e. make its decision-making process transparent; and
- f. keep policy and process for listing under review.

Conservation Areas

LEGAL AND ADMINISTRATIVE CONTEXT

- 2.37. Conservation areas are defined as ‘areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’. All planning authorities are required from time to time to determine which areas meet this definition and to designate them as conservation areas. Conservation areas embrace the urban and rural: from the historic cores of our cities to isolated rural settlements or landscapes there is a wide range of historic places which might be designated as a conservation area.
- 2.38. Scottish Ministers have the power to determine, after consultation with the planning authority, that an area should be a conservation area and to designate accordingly. This is a reserve power which will be used only exceptionally.
- 2.39. Once a planning authority has decided to designate a conservation area, notice of the designation must be published in the Edinburgh Gazette and at least one local newspaper (see Note 2.20).
- 2.40. Scottish Ministers, at the same time as the designation is advertised, must be notified formally of the designation of conservation areas and provided with a copy of the published notice, together with a copy of the designation map and a list of the street names (see Note 2.21).
- 2.41. Planning authorities may also vary or cancel conservation areas already designated (see Note 2.22).
- 2.42. Every planning authority is required to compile and keep available for public inspection a list containing appropriate information about any area in its district which has been designated as a conservation area.
- 2.43. Planning authorities have a duty to submit their proposals for the preservation and enhancement of conservation areas for consideration to a local public meeting and should, when preparing schemes of preservation and enhancement, seek the advice and views of local residents and amenity groups.

- 2.44. Once an area has been designated, it becomes the duty (see Note 2.23) of the planning authority and any other authority concerned, including Scottish Ministers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation and under Part I of the Historic Buildings and Ancient Monuments Act 1953.
- 2.45. Planning authorities can extend planning controls in conservation areas through the use of an Article 4 Direction. An Article 4 Direction normally requires the approval of Scottish Ministers but this is not the case where it relates to a listed building, to a building notified to the authority by Scottish Ministers as a building of special architectural or historic interest, or to development within the curtilage of a listed building.
- 2.46. A wide Direction restricting development over a whole conservation area, covering both listed and unlisted buildings, would, however, require Scottish Ministers' approval.

SCOTTISH MINISTERS' POLICY ON THE DESIGNATION OF CONSERVATION AREAS

- 2.47. Scottish Ministers expect local authorities to designate only those areas which they consider to be of special architectural or historic interest as conservation areas. As part of this process they encourage them to undertake a thorough appraisal of any area before designation, to ensure that its character and appearance are properly understood. The criteria to be taken account of in designation are set out in Annex 3.
- 2.48. Scottish Ministers consider it important that before designation all planning authorities should give the public ample opportunity to comment, either through responses to local plans or, where no local plans are in preparation, through another convenient consultation process (see Note 2.24).

Historic Marine Protected Areas

LEGAL AND ADMINISTRATIVE CONTEXT

- 2.49. This section sets out Scottish Ministers' policy for designating Historic Marine Protected Areas (Historic MPAs) to protect marine historic assets of national importance in the seas around Scotland.
- 2.50. State party commitments under Article 2 of the Valletta Convention (Note 2.1) include a legal system for the protection of the archaeological heritage, on land and under water. Scottish Ministers have devolved powers to help them discharge these and other commitments within the seaward limits of Scottish inshore waters (12 nautical miles or 22.2km).

- 2.51. Monuments on the foreshore and under water can be scheduled under the Ancient Monuments and Archaeological Areas Act 1979. The scope of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 stops at the low water mark but buildings such as harbours and lighthouses which are sometimes or partly below the sea can be listed. Provisions under the Marine (Scotland) Act 2010 replace the use of section 1 of the Protection of Wrecks Act 1993 in Scotland. Responsibility for related functions such as administration of the Protection of Military Remains Act 1986 (Note 2.27) and the disposal of 'wreck' under the Merchant Shipping Act 1995 (Note 2.28) rests with the UK Government.
- 2.52. Part 5 of the Marine (Scotland) Act 2010 allows Scottish Ministers to designate three types of Marine Protected Area (MPA): Nature Conservation MPAs to deliver national priorities on biodiversity and geodiversity; Demonstration and Research MPAs to demonstrate or develop research into sustainable management approaches; and Historic MPAs.
- 2.53. The Scottish Ministers can designate an area within the Scottish Marine protection area (Note 2.25) as a Historic MPA if they consider it desirable to do so for the purpose of preserving a marine historic asset of national importance which is, or which they are satisfied may be, located in the area. A marine historic asset is defined as any of the following:
- a. a vessel, vehicle or aircraft (or part of a vessel, vehicle or aircraft);
 - b. the remains of a vessel, vehicle or aircraft (or a part of such remains);
 - c. an object contained in or formerly contained in, a vessel, vehicle or aircraft;
 - d. a building or other structure (or a part of a building or structure);
 - e. a cave or excavation; and,
 - f. a deposit or artefact (whether or not formerly part of a cargo of a ship) or any other thing which evidences, or groups of things which evidence, previous human activity.
- 2.54. Except in cases where the Scottish Ministers consider there is an urgent need to protect a marine historic asset, prior notification and consultation is required. Urgent designations are time-limited and full consultation is required to make urgent designations permanent.
- 2.55. Historic MPA designation places duties on public authorities and introduces offences relating to marine historic assets, Scottish Ministers can also make Marine Conservation Orders (MCOs) to support stated preservation objectives for Historic MPAs. Further information on management of MPAs is provided in Chapter 3.
- 2.56. Scottish Ministers also have powers to develop plans and issue marine licenses for certain works and activities in Scottish inshore waters and, by virtue of devolved functions arising from UK marine legislation, Scottish offshore waters (12-200 nautical miles adjacent to Scotland). Adoption of a UK Marine Policy Statement (Note 2.29) by all UK administrations provides a consistent policy framework for consideration of the historic environment in developing marine plans and taking decisions across the UK seas.

SCOTTISH MINISTERS' POLICY ON THE DESIGNATION OF HISTORIC MARINE PROTECTED AREAS

- 2.57. Scotland's coasts and seas comprise a rich marine natural and cultural heritage, Scottish Ministers consider it desirable to designate Historic MPAs in order to help preserve our most important marine historic assets and to celebrate and communicate their heritage value so that everyone can appreciate these assets and act responsibly.
- 2.58. The following principles, additional to those set out in paragraph 2.3 above, underpin the designation of Historic MPAs:
- a. marine historic assets from all parts of the Scottish marine protection area are equally worthy of study and consideration for statutory protection. Historic MPAs are normally the preferred mechanism for protection of marine historic assets under water, with scheduling and listing normally preferred for monuments and buildings at the foreshore and coast edge. This policy will be subject to periodic review;
 - b. designation will be an ongoing process that recognises our changing state of knowledge and that every generation will have its own view of what comprises its heritage;
 - c. decisions on designation and de-designation will be made according to the criterion of national importance, following consistent application of guidance set out in Annex 4; and,
 - d. designation of a Historic MPA will involve consultation with owners and stakeholders with an interest in the marine historic asset or role in the adjacent marine area.
- 2.59. Marine historic assets and the seabed that surrounds them can sometimes also be of value from the perspective of biodiversity and geodiversity. Scottish Ministers consider that such areas have the potential to contribute to biodiversity or geodiversity policy aims.
- 2.60. In administering marine planning and licensing powers Scottish Ministers will seek to recognise the protection and management needs of marine historic assets according to their significance, whether or not they are afforded statutory protection by heritage designation, while allowing for change to be managed intelligently and with understanding as set out in the UK Marine Policy Statement and marine plans.

IMPLEMENTATION OF POLICY ON DESIGNATION OF HISTORIC MARINE PROTECTED AREAS

- 2.61. Historic Scotland plays the lead role on behalf of Scottish Ministers in implementing policy on Historic MPAs. In carrying out this work Historic Scotland will:
- a. work collaboratively with Marine Scotland, Scottish Natural Heritage and other stakeholders towards the protection and where appropriate, the enhancement of the Scottish Marine Area;
 - b. identify which of Scotland's marine historic assets merit designation as a Historic MPA and maintain a register of their condition;

- c. make readily available information about Historic MPAs, operational strategy, and guidelines about the process for selecting, designating and promoting these;
 - d. work with Marine Scotland and Scottish Natural Heritage where appropriate so that they can make a scientific assessment of the biodiversity or geodiversity value of the seabed comprising a Historic MPA, including the extent to which these areas have the potential to contribute to the network.
- 2.62. Historic Scotland will also work with Marine Scotland, public authorities and marine planning partnerships in order to help advance due consideration for marine cultural heritage within the marine planning and licensing system for Scottish inshore waters and, where appropriate, for Scottish offshore waters.

Gardens & Designed Landscapes

LEGAL AND ADMINISTRATIVE CONTEXT

- 2.63. This section sets out Scottish Ministers' policy for designating gardens and designed landscapes of national importance.
- 2.64. Section 32A(1) of the 1979 Act created a new statutory duty for Scottish Ministers to compile and maintain an inventory of gardens and designed landscapes as appear to Scottish Ministers to be of national importance. This change places the previous non-statutory designation on a statutory footing. The inventory currently includes 389 sites. Inclusion of a site on the inventory means that it receives recognition and a degree of protection through the planning system.
- 2.65. Section 32A(2) of the 1979 Act defines gardens and designed landscapes as grounds which have been laid out for artistic affect and, in appropriate cases, include references to any buildings, land, or water on, adjacent, or contiguous to such grounds (see Note 2.30). Gardens and designed landscapes are often the setting of important buildings and, in addition to parkland, woodland, water and formal garden elements, can often have significant archaeological and scientific interest.
- 2.66. Under the terms of Section 32A of the 1979 Act, Scottish Ministers shall:
- a. compile and maintain (in such form as they think fit) an inventory of such gardens and designed landscapes as appear to them to be of national importance;
 - b. notify owners, occupiers and any local authority, in whose area the grounds are situated, of the inclusion or modification of a garden and designed landscape in the inventory; and,
 - c. publish, in such manner as they think fit, a list of all the gardens and designed landscapes included in the inventory.

This work will be undertaken by Historic Scotland acting for Scottish Ministers. All references to Scottish Ministers should be read in this way.

- 2.67. Fashions in gardens and designed landscapes changed over time, through formal, informal, picturesque and modern styles, and many designed landscapes show these layers of change today. They are important tourist attractions, rich wildlife havens, major parts of the Scottish scenery, and are living examples of unique artistic talent. They are a living cultural record reflecting centuries of social and economic change and are widely enjoyed by people of all ages, backgrounds and cultures.

- 2.68. For more than 20 years government has recognised the need to identify the nation's most important gardens and designed landscapes. Such recognition resulted in the production of an inventory of sites: the Inventory of Gardens and Designed Landscapes in Scotland (the 'Inventory'), published in five volumes in 1987–88 and covering 275 sites. In 1993 a programme to extend the Inventory was begun and supplementary volumes were published for the Lothians, Highlands and Islands and Fife. In March 2007 further sites were added and the entire Inventory became available electronically via the Historic Scotland website.
- 2.69. There is no primary legislation that gives protection to gardens and designed landscapes. National planning policy, however, confirms that maintaining and enhancing the quality of the historic environment and preserving the country's heritage are important functions of the planning system. Designed landscapes are part of that heritage. Thus at the strategic planning level development plans routinely include policies which identify the designed landscapes in their area and outline the policy criteria which will apply to their appropriate protection, conservation and management within the planning system in accordance with national policy.
- 2.70. Where relevant, such policies will inform planning authorities' consideration of individual planning applications within development management. Some additional statutory provisions also apply at this stage. Regulation 25 and paragraph 5(4)(a) of Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 requires planning authorities to consult Scottish Ministers on 'development which may affect a historic garden or designed landscape'. Historic Scotland's views on such applications will be a material consideration in the planning authority's determination of the case.
- 2.71. The new statutory duty on Scottish Ministers to compile an inventory of nationally important gardens and designed landscapes does not change the level of protection for sites included in the inventory.

SCOTTISH MINISTERS' POLICY ON GARDENS AND DESIGNED LANDSCAPES

- 2.72. The following principles, additional to those set out in section 2.3 above, underpin the process of including sites in the Inventory:
- a. the selection process is informed by a wide range of factors (Annex 5). These help determine the level of interest which the site may possess;
 - b. selection will follow the consistent application of clear criteria, set out in Annex 4; other factors, such as implications for future use or financial issues are not relevant in considering whether a garden or designed landscape should be added to or removed from the Inventory;
 - c. gardens and designed landscapes in all parts of Scotland are worthy of study and should be considered for inclusion in the Inventory; and,
 - d. adding sites to and removing sites from the Inventory will be an ongoing process that recognises our changing level of knowledge and that every generation will have its own view on what comprises its heritage.

- 2.73. Owners and occupiers of gardens and designed landscapes, and planning authorities, will be consulted on proposed additions to the Inventory other than in exceptional circumstances.
- 2.74. To be deemed as being of national importance, and therefore to be included in the Inventory, a site will usually have to meet a majority of the criteria set out in Annex 5. In particular it would have to be demonstrated that it had sufficient integrity in its design to merit inclusion.

IMPLEMENTATION OF POLICY ON DESIGNATING GARDENS AND DESIGNED LANDSCAPES

- 2.75. Historic Scotland works closely with planning authorities on consent for development proposals affecting Inventory sites. In fulfilling that duty Scottish Ministers expect the agency to:
- a. make its decision-making process transparent;
 - b. provide advice and support in aid of the protection, management, and interpretation of gardens and designed landscapes, including the development of a grant scheme to support the planning and management of gardens and designed landscapes; and,
 - c. keep policy and process for gardens and designed landscapes under review.

Historic Battlefields

LEGAL AND ADMINISTRATIVE CONTEXT

- 2.76. This section sets out Scottish Ministers' policy for designating historic battlefields.
- 2.77. Section 32B(1) of the 1979 Act created a new statutory duty for Scottish Ministers to compile and maintain an inventory of battlefields as appear to them to be of national importance. Under the new legislation a battlefield is defined as an area of land over which a battle was fought; or an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area). (See Note 2.30) A battle is an engagement involving wholly or largely military forces that had the aim of inflicting lethal force against an opposing army.
- 2.78. Under the terms of Section 32B of the 1979 Act, Scottish Ministers shall:
- a. compile and maintain (in such form as they think fit) an inventory of such battlefields as appear to them to be of national importance;
 - b. notify owners, occupiers and any local authority, in whose area the grounds are situated, of the inclusion or modification of a battlefields in the inventory; and,
 - c. publish, in such manner as they think fit, a list of all battlefields included in the inventory.

This work will be undertaken by Historic Scotland acting for Scottish Ministers. All references to Scottish Ministers should be read in this way.

- 2.79. Battlefields are valued for a variety of reasons: marking the sites of significant events containing physical or archaeological remains associated with battles, or the remains of fallen combatants. Battles hold a significant place in our national consciousness and have a strong resonance in Scottish culture. The landscape of the battlefield may help to explain exactly why events unfolded as they did.

- 2.80. This policy provides specific measures for the protection through an inventory of battlefields, which identifies nationally important battlefields and provides information to aid their understanding, protection and sustainable management through the planning system, and in other relevant contexts, such as landscape and land-use management. Parts of some battlefields may have additional protection through other measures such as scheduling or listing of physical features, or designation as a conservation area or area of landscape value.
- 2.81. Local development plans and, where appropriate, supplementary planning guidance, should set out policies and criteria that apply to the protection, conservation and management of historic battlefields. Such policies should inform planning authorities' consideration of individual planning applications within development management.
- 2.82. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 will be amended in due course to define the requirements for planning authorities to consult with Scottish Ministers and take their views into account as a material consideration in the planning authority's determination of a case.

SCOTTISH MINISTERS' POLICY ON BATTLEFIELDS

- 2.83. The Inventory identifies nationally important battlefields and provides information on them as a basis for the sustainable management of change through the planning system and in other relevant policy contexts.
- 2.84. The following principles, additional to those set out in section 2.3 above, underpin the process of including sites in the Inventory:
- a. selection will follow the consistent application of clear criteria (set out in Annex 6); other factors, such as implications for future use or financial issues, are not relevant in considering whether a battlefield should be added to or removed from the Inventory;
 - b. battlefields in all parts of Scotland are worthy of study and should be considered for inclusion in the Inventory; and,
 - c. adding sites to and removing them from the Inventory will be an ongoing process that recognises our changing level of knowledge and that every generation will have its own view on what comprises its heritage.
- 2.85. Historic Scotland will normally consult planning authorities and other key stakeholders as appropriate on proposals for including sites on the Inventory and for subsequent amendments.
- 2.86. To be included in the Inventory, a site must be capable of definition on a modern map (see Annex 6).
- 2.87. Planning authorities are encouraged to identify battlefield sites in their areas that do not meet the Inventory criteria, but which nevertheless may make an important contribution to the local historic environment, landscape character and sense of place, and to develop policies for their future management.

IMPLEMENTATION OF POLICY ON BATTLEFIELDS

- 2.88. Historic Scotland will work closely with planning authorities on consent for development proposals affecting Inventory sites, and with other public bodies.
- 2.89. In fulfilling this duty Historic Scotland will:
- a. make its decision-making processes transparent;
 - b. provide advice and support in aid of the protection, management and interpretation of battlefields; and
 - c. keep policy and process for battlefields under review.

CHAPTER 3: CONSENTS

INTRODUCTION

- 3.1. This chapter sets out Scottish Ministers' policies on scheduled monument consent, listed building consent and conservation area consent, and the management of Historic MPAs. It provides guidance to planning authorities on the consideration of planning applications affecting sites on the Inventory of Gardens and Designed Landscapes and the Inventory of Battlefields. Historic Scotland, as an agency of the Scottish Government, acts for Scottish Ministers, and all references to the handling of casework by Historic Scotland should be interpreted as meaning Historic Scotland on behalf of Scottish Ministers.

Scheduled Monument Consent

LEGAL AND ADMINISTRATIVE CONTEXT

- 3.2. This section sets out Scottish Ministers' policy for the control of works affecting scheduled monuments of national importance that are legally protected under the Ancient Monuments and Archaeological Areas Act 1979. A scheduled monument is included in 'the Schedule' compiled under the 1979 Act (see Chapter 2 of this SHEP and Notes 3.1 and 3.2). Works to a scheduled monument require the prior written consent of Scottish Ministers: this is known as scheduled monument consent; there were about 8000 scheduled monuments in 2008.
- 3.3. Scheduled monuments range from 10,000-year-old sites created by the first settlers in Scotland to 20th-century military defences, and from abbeys and castles to the slight traces of prehistoric and medieval farms. They are a non-renewable resource, which provides us with valuable information about Scotland's past. Scheduled monuments are part of Scotland's identity and are important both for their own sake and as a resource for research, education, regeneration, leisure and tourism, as well as creating a sense of local identity and community. They are often very fragile and vulnerable to damage or destruction.
- 3.4. Scheduled monument consent is required for any works that would demolish, destroy, damage, remove, repair, alter or add to the monument or to carry out any flooding or tipping on the monument (see Note 3.2). A consent under section 42 of the 1979 Act is also required to use a metal detector within a scheduled monument (see Note 3.3). It is a criminal offence to carry out any of these works without consent.
- 3.5. Some types of works do not require scheduled monument consent as they are deemed to have consent, under the terms of the Ancient Monuments (Class Consents) (Scotland) Order 1996 ('the Class Consents Order') (see Note 3.4).
- 3.6. The 1979 Act and the scheduled monument consent process also provide for the proper evaluation and investigation of scheduled monuments if damage or destruction is unavoidable.

- 3.7. Some monuments are both scheduled and listed. Where this is the case only scheduled monument consent is required for any works and the relevant parts of the listed buildings legislation are disapplied (see Note 3.5).
- 3.8. Every application for scheduled monument consent is considered on its merits and attention is drawn to the fact that in the 15 years 1995–2010, out of 3,431 applications received, only 18 were refused. In 2010–11 no applications were refused from a total of 200.

THE SCHEDULED MONUMENT CONSENT PROCESS

- 3.9. Historic Scotland administers the scheduled monument consent process on behalf of Scottish Ministers. Applicants (who may be the owner, tenant or any other party) are encouraged to contact Historic Scotland as early as possible to discuss their proposals. Applications must be made on a form obtained from Scottish Ministers (in practice Historic Scotland). (See note 3.6). If further information is required, Historic Scotland will ask the applicant to submit this before reaching a view.
- 3.10. If Historic Scotland is minded to either grant consent with conditions or to refuse consent the Agency will issue a provisional view to the applicant and other interested parties. The applicant can either accept this provisional view within 28 days or make further representations to Scottish Ministers through Historic Scotland. If agreement cannot be reached, Scottish Ministers will decide the most suitable means of determining each application, through written submissions, a hearing or an inquiry, or any combination of these (see Note 3.7). The final decision on the Inquiry Reporter's recommendations is taken by Scottish Ministers. If Historic Scotland is minded to grant consent without conditions no provisional view will be issued.
- 3.11. Scheduled monument consent is separate from the statutory planning process (see Annex 7 and Note 3.8). It may run in parallel in cases where planning permission is also required, and such cases are normally dealt with most effectively if applications for planning permission and scheduled monument consent are prepared at the same time.
- 3.12. The protection of scheduled monuments is taken account of in policies and procedures across a wide range of Scottish Ministers' responsibilities, for example in agriculture and forestry. Work on scheduled monuments also has to take account of other requirements, for example those covering health & safety, access and the general biodiversity duty under the Nature Conservation (Scotland) Act 2004. It is the responsibility of the applicant to satisfy these and any other legal requirements. In every case, except where covered by the Class Consents Order (see Note 3.9), scheduled monument consent must be obtained, no matter what other consents have been granted or what other legal requirements are being followed (for more information about class consents see Note 3.4).
- 3.13. Development affecting the setting of a scheduled monument is dealt with under the planning system and does not require scheduled monument consent.

SCOTTISH MINISTERS' POLICY ON SCHEDULED MONUMENT CONSENT

- 3.14. 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 the state it has come down to us. Scheduled monuments have an intrinsic value as monuments, not related to any concept of active use. It is the value of the monument to the nation's heritage, in terms set out in the section on Scheduling in Chapter 2 of this SHEP, that is the primary consideration in determining applications for scheduled monument consent.
- 3.15. Monuments are subject to decay and the threat of destruction, from natural and human causes. Conservation work is normally needed to prolong the life of a monument, but there is a risk that this can be so invasive that it irreversibly modifies the monument's character and affects the special interest or features that made the monument important in the first place.
- 3.16. Works on scheduled monuments should therefore **normally** be the minimum level of intervention that is consistent with conserving what is culturally significant in a monument. (Annex 1 sets out guidance as to how cultural significance and national importance should be determined.)
- 3.17. As each monument will require treatment specific to its individual nature, characteristics, significance and needs, any proposed change to it must be fully and explicitly justified.
- 3.18. Scheduled monument consent applications must be considered in terms of the cultural significance of the monument and the impact that the proposals would have upon this cultural significance. The more important particular features of the monument are to its cultural significance, the greater will be the case against interventions which modify these features.
- 3.19. Extensive intervention will only be allowed where it is clearly necessary to secure the longer-term preservation of the monument, or where it will clearly generate public benefits of national importance which outweigh the impact on the national cultural significance of the monument. Such public benefits could come from, for example, interventions which make public access to scheduled monuments easier, or assist public understanding, or will produce economic benefits once the works are completed.
- 3.20. Where change is proposed, it should be carefully considered, based on good authority, sensitively designed, properly planned and executed, and where appropriate in the context of an individual monument, reversible.
- 3.21. Where unavoidable circumstances, such as coastal erosion, threaten the survival of a scheduled monument, it should, where possible, be excavated and/or recorded in detail before its destruction.
- 3.22. Where consent for the range of works set out in paragraph 3.4 is granted, conditions are normally applied to ensure the works are undertaken in an appropriate manner. Common requirements are:
- a. the use of appropriate assessment methodologies to determine the full impact of any proposed management, use or development;

- b. the avoidance of irreversible change particularly wherever its effects cannot be adequately assessed;
- c. that where change is necessary, strategies should be adopted to mitigate its impact and limit intervention;
- d. that the management and execution of alteration, including remedial work, is sympathetic to the historic character;
- e. that appropriate skills and techniques, materials and construction techniques are specified where appropriate;
- f. that an appropriate level of record is made before, during and after any work and deposited in local and national archives, and, where appropriate, published;
- g. that it is possible, on close inspection, to differentiate new work from old particularly on masonry structures;
- h. that any archaeological excavation or other intrusive investigation should be based upon a detailed research strategy, with adequate resources, using appropriately skilled and experienced archaeologists with a satisfactory record of the completion and publication of projects (see Note 3.10); and,
- i. that the design, planning and execution of works on scheduled monuments are undertaken by people with appropriate professional and craft qualifications, skills and experience.

IMPLEMENTATION OF POLICY ON SCHEDULED MONUMENT CONSENT

- 3.23. In carrying out this work for Scottish Ministers Historic Scotland will:
- a. undertake scheduled monument consent casework timeously and publish in its Corporate Plan the targets set for dealing with scheduled monument consent casework;
 - b. keep scheduled monument consent policies and processes under review;
 - c. clearly communicate decisions and information on scheduled monuments and scheduled monument consents;
 - d. make information on scheduled monuments and on the application procedure for scheduled monument consent readily available;
 - e. make its decision-making process transparent.
- 3.24. It is the responsibility of the applicant to ensure that applications for scheduled monument consent include all the necessary information to allow the proposals and their impact to be assessed fully.
- 3.25. For departments and agencies of the UK and Scottish Governments undertaking works to monuments in Scotland there is a parallel system known as scheduled monument clearance. This is governed by the same principles and procedures as the scheduled monument consent processes and in all cases proposals are assessed by the Heritage Management Directorate within Historic Scotland.

- 3.26. Most properties in the care of Scottish Ministers are also scheduled monuments. In the case of these properties Historic Scotland must go through the same clearance process as set out in 3.25.
- 3.27. Third-party applicants for works on Properties in Care of Scottish Ministers will require scheduled monument consent; the impact of works proposed in the application will be subject to the same scrutiny as for other scheduled monuments. Policies on considering works proposed by third parties at Properties in Care are set out in Chapter 4 of this SHEP.
- 3.28. Policies for the use of or the provision of activities at Properties in Care are set out in Chapter 4 of this SHEP.

Listed Building Consent

LEGAL AND ADMINISTRATIVE CONTEXT

- 3.29. This section sets out Scottish Ministers' policy for the control of works affecting listed buildings.
- 3.30. Historic buildings and structures are a highly visible and accessible element of Scotland's rich heritage. They cover a wide range of uses and periods, which together chart a great part of the history of Scotland. They affect all aspects of life, from education to recreation, to defence, industry, homes and worship. Much of Scotland's social and economic past and its present is expressed in these exceptional buildings. Listing recognises their historic importance. This in turn helps ensure that their potential for the study of history and for wider issues such as sustainability, community identity, local distinctiveness, and social and economic regeneration are all fully explored.
- 3.31. Listed buildings are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. This establishes that any work which affects the character of a listed building will require listed building consent. It is a criminal offence to carry out such work without listed building consent. Annex 7 provides more information on what aspects of a listed building are covered by the listed building consent provisions, those works which are exempt from the requirement for listed building consent as well as the processes to be followed by applicants and by planning authorities in dealing with applications.
- 3.32. In assessing an application for listed building consent, the planning authority is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
- 3.33. Works of like-for-like repair or other works which do not affect a building's character, would not normally require listed building consent. Such works could include repointing a wall or altering part of a building which does not contribute to the overall special interest.

- 3.34. Listed building consent is separate from the statutory planning process (see Annex 8) but there is a close relationship between them and this policy should therefore be read in conjunction with current Scottish Government planning policy for the historic environment (see Note 3.11). The two systems may run in parallel in cases where planning permission is also required, and such cases are normally dealt with most effectively if applications for planning permission and listed building consent are submitted at the same time. It is not possible to seek or to be given outline listed building consent.
- 3.35. The majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a building's special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner.

THE LISTED BUILDING CONSENT PROCESS

- 3.36. Local authorities administer the listed building consent process, except where the local authority is itself the applicant, in which case Scottish Ministers will determine the application. Applications must be made on the appropriate form and should be supported by sufficient information to allow the proposed works and their impact upon the building's character to be understood. The amount of information required will depend on the nature of the building and the proposals.
- 3.37. On receiving an application the local authority will undertake the appropriate consultation before reaching a view. Where the local authority is minded to grant listed building consent, they must notify Historic Scotland. Historic Scotland will consider the notification within 28 days and either clear it back to the local authority or request further time to consider the proposal. Exceptionally, where a proposal raises issues of national significance Scottish Ministers may require that the application be referred to them for a decision.
- 3.38. Work to listed buildings has to take account of other requirements, for example those covering health & safety, equalities duties, access and the general biodiversity duty under the Nature Conservation (Scotland) Act 2004. It is the responsibility of the applicant to satisfy these and any other legal requirements.

SCOTTISH MINISTERS' POLICY ON LISTED BUILDING CONSENT

- 3.39. In the context of listed buildings the sustainable use and management of the historic environment means recognising the advantages to be gained from retaining existing buildings and ensuring that their special interest is protected (see Chapter 2). How 'special interest' is established is set out in Annex 2.
- 3.40. Once lost listed buildings cannot be replaced. They can be robbed of their special interest either by inappropriate alteration or by demolition. There is, therefore, a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.
- 3.41. Listed buildings will however, like other buildings, require alteration and adaptation from time to time if they are to remain in beneficial use, and will be at risk if such alteration and adaptation is unduly constrained. In most cases such change, if approached carefully, can be managed without adversely affecting the special interest of the building.

Applications

- 3.42. Knowing what is important about a building is central to an understanding of how to protect its special interest. Applications should demonstrate that in arriving at a strategy for intervention, the importance of the building has been clearly understood and those features which contribute to its special interest have been identified.
- 3.43. In general the more extensive the intervention which is proposed, the more supporting information applications should provide. Where proposals involve significant intervention, evidence that less intrusive options have been considered should be provided. Where the application would have a significantly adverse effect on the building's special interest, but is believed to offer significant benefits to economic growth or the wider community, applicants should prepare a statement which justifies the intervention in relation to these benefits. This statement should demonstrate that the benefits could not be realised without the intervention proposed.
- 3.44. Where the application proposes the demolition of a listed building applicants will be expected to provide evidence to show that:
- a. the building is not of special interest; or
 - b. the building is incapable of repair; or
 - c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - d. 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.
- 3.45. Potential applicants are encouraged to have pre-application discussion with planning authorities and Scottish Ministers expect planning authorities to provide pre-application advice. A key aspect of that advice, to avoid delays at a later stage, should be to clarify what supporting information will be required when an application is submitted. Where proposals involve significant intervention to, or the demolition of a listed building the planning authority should involve Historic Scotland in the pre-application discussions.
- 3.46. Planning authorities should satisfy themselves, as soon as applications are received, that they include an appropriate level of supporting information.

Determination of Applications

- 3.47. Where a proposal protects or enhances the special interest of the building, for example through the like-for-like replacement of a window or door which is beyond repair or the reinstatement of important detailing, consent should normally be granted.
- 3.48. Where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted.
- 3.49. Where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the building, planning authorities, in reaching decisions should consider carefully:

- a. the relative importance of the special interest of the building; and
- b. the scale of the impact of the proposals on that special interest; and
- c. whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and
- d. whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in paragraph 3.40 above.

3.50. In the case of applications for the demolition of listed buildings it is Scottish Ministers' policy that no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Planning authorities should therefore only approve such applications where they are satisfied that:

- a. the building is not of special interest; or
- b. the building is incapable of repair; or
- c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d. 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.

IMPLEMENTATION OF POLICY ON LISTED BUILDING CONSENT

3.51. Historic Scotland, acting on behalf of Scottish Ministers and working closely with planning authorities, will:

- a. undertake listed building consent casework timeously and publish in its Corporate Plan the targets set for dealing with listed building consent casework;
- b. keep listed building consent policies and process under review;
- c. communicate information on Scottish Ministers' role in listed building consent in clear language;
- d. make information on listed buildings readily available; and,
- e. make its decision-making process transparent.

3.52. Ministers expect that the information provided with applications for listed building consent should be sufficient to enable planning authorities and Scottish Ministers to form a judgement, not only on the intended development of the listed building itself, but also any associated development of which the listed building forms a part. This requirement is in addition to those in place to notify Scottish Ministers of proposals involving the alteration or extension of listed buildings. The responsibility lies with the applicant to ensure that applications contain all the necessary information. Where significant change is considered necessary on economic grounds, Scottish Ministers expect applicants to provide supporting information to demonstrate this.

- 3.53. When considering a developer's proposals to integrate listed buildings into an overall development, Ministers expect planning authorities to take into account not only the desirability of preserving the building's historic fabric but the need to maintain it in an appropriate setting. Planning authorities involved in discussions about work to Category A and B listed buildings that is novel, contentious or large scale should consult with Historic Scotland at an early stage.

Conservation Area Consent

LEGAL AND ADMINISTRATIVE CONTEXT

- 3.54. Applications for conservation area consent are dealt with by planning authorities and policy is set out in Scottish Planning Policy. Advice on the management of Conservation Areas is contained in Planning Advice Note 71 (see <http://www.scotland.gov.uk/Publications/2004/12/20450/49054>) and further guidance will be promulgated by Historic Scotland.
- 3.55. Scottish Ministers have directed that conservation area consent required for demolition of unlisted building in conservation area shall not apply to certain specified buildings and structures (see Annex IV of SDD Circular 17/87 dated 25.9.87): the term 'conservation area consent' is used for applications to demolish unlisted buildings in conservation areas. Anyone wishing to demolish a building within a conservation area must first apply for conservation area consent.
- 3.56. Planning authorities who are themselves seeking consent to demolish an unlisted building in a conservation area must, as for listed building consent, apply direct to Scottish Ministers.
- 3.57. The demolition of unlisted buildings in conservation areas is brought under control by applying, with modifications, listed building controls. In particular, the provisions relating to the advertisement of applications and to the notification of applications to Scottish Ministers and to the Royal Commission on the Ancient and Historical Monuments of Scotland apply (see Note 3.12).

SCOTTISH MINISTERS' POLICY ON CONSERVATION AREA CONSENT

- 3.58. The demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a conservation area, or part of it. In deciding whether conservation area consent should be granted, planning authorities should therefore take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated. In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult.
- 3.59. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.

- 3.60. Both Scottish Ministers and the planning authority are required to have regard to the desirability of preserving or enhancing the appearance of the conservation area in exercising their responsibilities under the planning legislation, and this statutory duty should always be borne in mind when considering demolition applications.

Historic Marine Protected Areas

LEGAL AND ADMINISTRATIVE CONTEXT

- 3.61. This section sets out Scottish Ministers' policy for the management of Historic Marine Protected Areas (Historic MPAs). Chapter 2 provides information on designation policies.
- 3.62. Public authorities with functions that are capable of adversely affecting marine historic assets, must carry out those functions in a way that best furthers or, where this is not possible, least hinders stated preservation objectives. Public authorities must have regard to the advice given by Scottish Ministers on Historic MPAs under section 81 of the 2010 Act.
- 3.63. Under section 96 of the 2010 Act, it is an offence to intentionally or recklessly carrying out a prohibited act that significantly hinders or may significantly hinder the achievement of the stated preservation objectives for a Historic MPA. Prohibited acts are (a) works or activities which (or which are likely to) damage or interfere with a marine historic asset or have a significant impact on the protected area, (b) acts to remove, alter or disturb a marine historic asset. It is not an offence if the act was an incidental result of a lawful operation, and reasonable precautions were taken or the outcome could not reasonably have been foreseen.
- 3.64. In addition to the protection afforded by designation, Scottish Ministers can make Marine Conservation Orders (MCO) to further preservation objectives for Historic MPAs. An MCO can include provision prohibiting, restricting or regulating certain activities within the boundaries of an Historic MPA, or in some instances, a specified area outside. An MCO can provide for regulated activities to be authorised by a permit or direction. Except in urgent cases, the making of an MCO must be publicised in advance, but the longevity of urgent MCOs is time-limited. Contravening an MCO is an offence.
- 3.65. Exceptions to offences (both in relation to Historic MPA designation and any MCOs in place) are if the act was authorised by a public authority or exercised by it in accordance with the duties on it; if the act was taken in emergency, or was necessary for reasons relating to the national interest. A sea fishing defence also exists if the effect of that act on the marine historic asset could not have reasonably been avoided.
- 3.66. Common enforcement powers exercised by Marine Enforcement Officers (MEOs) apply in relation to Historic MPAs. The powers include boarding vessels and marine installations, entering and inspecting premises and vehicles, powers of search and seizure, forcing vessels to port, and requiring production of certain information.

THE MANAGEMENT PROCESS FOR HISTORIC MARINE PROTECTED AREAS

- 3.67. Acting on behalf of Scottish Ministers Historic Scotland advises public authorities to ensure that the functions they exercise take account of Historic MPAs. These functions might include preparing marine plans and strategies, administering regulatory or enforcement regimes, or more practical tasks such as maintaining coastal defences, harbour infrastructure or navigation channels. Where a public authority performs functions that it believes might hinder preservation objectives, it must notify Historic Scotland. The Agency has 28 days to respond.
- 3.68. A wide range of works and activities in the marine environment require some form of authorisation, for example, planning permission (administered by local authorities) or marine licensing (administered by Marine Scotland). Public authorities responsible for issuing authorisations must notify Historic Scotland, acting on behalf of Scottish Ministers, if they believe that there is a risk of an act hindering preservation objectives for a Historic MPA. Historic Scotland has 28 days to respond. In instances where the benefit to the public of proceeding with the act outweighs the risk of damage to a marine historic asset, the public authority must make it a condition of the authorisation that a detailed archaeological investigation is carried out.
- 3.69. Some activities capable of affecting marine historic assets do not require any form of authorisation. Where such activities do pose a threat, MCOs offer a useful management tool to support the preservation objectives of a Historic MPA that can be applied on a case by case basis.

SCOTTISH MINISTERS' POLICY ON THE MANAGEMENT OF HISTORIC MARINE PROTECTED AREAS

- 3.70. Marine cultural heritage is a finite and often vulnerable resource subject to decay and the threat of destruction from natural and human causes. Through beneficial stewardship, where practicable Scottish Ministers will seek to preserve a marine-historic asset *in situ* as the first option and to ensure that the national importance of the asset is not put at risk, either by inadvertent or deliberate damage or destruction, or by degradation or complete loss due to natural factors.
- 3.71. Scottish Ministers will issue guidelines for the management of Historic MPAs and advice to further the preservation objectives of Historic MPAs. Beyond this, Marine Conservation Orders (MCOs) are considered likely to be necessary on Historic MPAs in certain circumstances primarily to allow for the satisfactory management of activities directed at marine historic assets (e.g. survey, surface recovery of artefacts, and excavation). On occasion, for example following the discovery of a historic shipwreck that is considered particularly vulnerable, they may also need to be used to manage access.
- 3.72. The following principles underpin the making of an MCO for Historic MPAs:
- a. an MCO will be made on the basis of an evidence-based assessment and will be subject to periodic review;
 - b. the making of an MCO will normally be preceded by consultation with owners and stakeholders with an interest in the marine historic asset or role in the adjacent marine area; and,

- c. information on MCOs and on the processes involved will be made widely and easily available and explained in clear language.
- 3.73. The rules laid out in the Annex to the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage (see Note 2.26) provide an accepted model of best practice for all activities regulated by statute devolved to Scottish Ministers and which are directed at marine historic assets within the Scottish inshore waters.
- 3.74. Where Scottish Ministers consider that the area of seabed comprising a Historic MPA contributes to biodiversity or geodiversity policy aims, consideration would be given to the impacts of activities directed at marine historic assets and whether it would be possible to mitigate any such impacts.

IMPLEMENTATION OF POLICY ON MANAGEMENT OF HISTORIC MARINE PROTECTED AREAS

- 3.75. In carrying out its work for Scottish Ministers on Historic MPAs, Historic Scotland will:
- a. pursue beneficial stewardship for marine historic assets in-situ where practicable, including where these are threatened by degradation or complete loss. Where such assets cannot be saved, where at all possible Historic Scotland will pursue schemes whereby data may be recovered to mitigate loss and the results of this work widely disseminated;
 - b. make widely available guidelines and advice on the management of Historic MPAs so that preservation objectives of Historic MPAs can be respected by all whose decisions and actions might significantly affect a marine historic asset;
 - c. take the lead on the making and periodic review of MCOs;
 - d. issue permits or authorisations for MCOs where required, applying the principles set down in the Annex to the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage to ensure best practice is adhered to in respect of activities directed at marine historic assets;
 - e. where the area of seabed comprising a Historic MPA contributes to Scottish Ministers' biodiversity or geodiversity policy aims, seek advice from Scottish Natural Heritage as to whether it would be possible to minimise impacts that may result from activities directed at marine historic assets; and,
 - f. work collaboratively with Marine Scotland on compliance monitoring and enforcement and on reporting to the Scottish Parliament for matters relating to Historic MPAs.
- 3.76. Historic Scotland will also work with Marine Scotland, public authorities and marine planning partnerships on marine planning or licensing matters as appropriate including in respect of developments and activities that might affect a Historic MPA in accordance with the UK Marine Policy Statement and relevant marine plans.

Gardens and Designed Landscapes**SCOTTISH MINISTERS' POLICY ON THE TREATMENT OF GARDENS AND DESIGNED LANDSCAPES IN THE PLANNING PROCESS**

- 3.77. The effect of proposed development on a garden or designed landscape is a material consideration in the determination of a planning application.
- 3.78. Scottish Ministers expect planning authorities to have careful regard for the specific qualities, character and integrity of gardens and designed landscapes. Planning authorities should therefore continue to extend protection to designed landscapes through the inclusion of appropriate policies in their development plans.
- 3.79. The Inventory identifies gardens and designed landscapes of national importance. There are however many sites across Scotland which do not meet the criteria set for national importance but nevertheless make an important contribution to the local historic environment and landscape character of the area. Planning authorities are therefore encouraged also to develop policies within their development plans for the identification and future management of such non-Inventory sites in their areas.
- 3.80. Planning authorities should use appropriate conditions to protect and enhance sites on the Inventory. Planning authorities are also encouraged to obtain management plans for gardens and designed landscapes from owners both to identify conservation needs and direct how change can be best accommodated.
- 3.81. Informed change should be managed carefully with the aim of ensuring that the significant elements justifying designation are protected or enhanced.

Historic Battlefields

- 3.82. The effect of proposed development on Inventory battlefields is a material consideration in the determination of a planning application.
- 3.83. Scottish Ministers expect planning authorities to have careful regard for the landscape characteristics and specific qualities of battlefields. Planning authorities should therefore extend protection to battlefields through the inclusion of appropriate policies in their development plans. They should also consider battlefields within their strategies and policies for landscape and land-use.
- 3.84. Planning authorities should use appropriate conditions and agreements to protect and enhance sites on the Inventory. Planning authorities are encouraged to promote the development of management plans for battlefields as a useful way of engaging stakeholders, particularly owners and local communities, and of identifying management needs and how change can be best accommodated.
- 3.85. Change should be managed carefully in an informed and sympathetic way that respects the value of battlefields and protects, conserves or enhances their key landscape characteristics and specific qualities.
- 3.86. Planning authorities are encouraged to develop appropriate policies and conditions for the protection and management of any non-inventory sites they identify of importance in their areas (see 2.87).
- 3.87. Other public bodies should ensure that nationally important battlefields are given consideration within relevant strategies, plans and programmes.

CHAPTER 4: PROPERTIES IN THE CARE OF SCOTTISH MINISTERS

INTRODUCTION

- 4.1. This chapter sets out Scottish Ministers' policy on the conservation of and access to the properties in their care that are looked after by Historic Scotland on their behalf.

LEGAL AND ADMINISTRATIVE CONTEXT

- 4.2. The United Kingdom Government is party to the European Convention on the Protection of the Archaeological Heritage (the 'Valletta Convention') (see Note 2.1). Under this convention states recognise, in Article 2, that they must have a legal system for the protection of the archaeological heritage, on land and under water. Article 4 requires provision for 'the conservation and maintenance of the archaeological heritage preferably in situ'. Article 5 ensures that 'the opening of archaeological sites to the public...does not adversely affect the archaeological and scientific character of such sites and their surroundings'. Article 9 provides an obligation to develop public awareness.

The Law

- 4.3. The United Kingdom has had legislation in place to protect ancient monuments since 1882. One part of that protection was the power of the Commissioners of Works to acquire ancient monuments for their protection and maintenance, by gift, purchase or agreement. It also provided powers for owners to retain nominal ownership of a monument, while passing the control and maintenance to the state by means of a deed of guardianship. Obligations and duties under the ancient monuments legislation have been extended over time.
- 4.4. Scottish Ministers' powers relating to the estate of Properties in Care are enshrined in the Ancient Monuments and Archaeological Areas Act 1979 (see Note 4.1). The Act places a duty on Scottish Ministers to maintain the monuments in their care and provides the powers to do 'all such things as may be necessary for the maintenance of the monument and for the exercise by them of proper control and management with respect to the monument'. Up-to-date information on the properties in state care is available from Historic Scotland either by writing or by visiting <http://www.historic-scotland.gov.uk/>
- 4.5. Access to Properties in Care is regulated under section 19 of the 1979 Act and the same section empowers Scottish Ministers to control and regulate that access.
- 4.6. Artefacts associated with the Properties in Care are not normally specifically scheduled under the 1979 Act but are protected by property law (see Note 4.2).

- 4.7. Historic Scotland is required to take full account of the requirements of all current health and safety legislation. It will also implement its equalities duties in relation to race, gender, disability, sexual orientation, age and religion through an operational policy. It will shortly produce a Gaelic language plan for its operations.
- 4.8. Historic Scotland has statutory duties to promote biodiversity under section 1 of the Nature Conservation (Scotland) Act 2004. The Act sets out to develop an integrated and sustainable approach by the Scottish Government to the conservation and management of Scotland's diverse natural heritage. Historic Scotland will implement its statutory functions in accordance with its duties under the Act to ensure that the conservation of biological diversity is encouraged and advanced.

The Estate of Properties in Care

- 4.9. Historic Scotland cares for 345 ancient monuments on behalf of Scottish Ministers. While no collection of properties can cover all aspects of the historic environment, the national portfolio of Properties in Care is representative of the sites and buildings that successive generations have seen as being worthy of the investment and special protection offered by state care. The estate covers a wide geographical and period spread, from Munn Castle in Shetland to New Abbey Corn Mill in Dumfries, and from Calanais Standing Stones in the west to Tantallon Castle in the east. It extends from early prehistory through to the industrial age. The properties cared for by Historic Scotland complement what is held by other bodies and individuals.
- 4.10. The purpose of the state taking properties into its care is for the long-term preservation, for the public benefit, of a collection of monuments which define significant aspects of Scotland's past. Much of that benefit lies in the properties being accessible to the people of Scotland and visitors to the country, now and for the future. In promoting these policies Ministers seek to ensure that the Properties in Care are a showcase for Scotland, demonstrating exemplary practice in conservation, enhancing their understanding and improving the provision of access and interpretation in a way which can stand comparison with the best in the world.
- 4.11. The Properties in Care have great cultural significance. They illustrate the history and development of Scotland and its people, and help to define its identity. They are a source of wonder, enjoyment and learning both for Scots and visitors, many of whom see Scotland's long history and rich culture as their principal reason for coming to this country. The properties and their associated collections of artefacts are unique and irreplaceable, which makes their preservation vital to our understanding of each monument's past and to its part in Scotland's history.
- 4.12. Properties in the care of Scottish Ministers are held either by guardianship (by far the majority), ownership (around a fifth of the estate), or a small number by leasehold. Most monuments are in guardianship, which means that each is held under an individual deed of guardianship. This requires Historic Scotland to comply with a range of obligations, rights and constraints arising principally from the legislation or from the terms of the specific deed of guardianship or leasehold. All have been taken into care for their preservation in perpetuity (see para 4.19 below).

- 4.13. The principles that underpin Historic Scotland's work at the properties have developed over time. Initially, the simple preservation of the monument was all that was expected of the state. The provision of public access was added as a responsibility in 1900: since then the public perception of access and the requirements of international conservation charters have continued to broaden. Historic Scotland has to meet these expectations by investing in the wider public benefits that come from understanding and interpreting monuments for a wide range of visitors.
- 4.14. The Properties in Care currently attract around three million visitors a year to the staffed monuments, where numbers are recorded, with many more visiting the non-staffed sites. This supports Scottish Ministers' important role in the promotion of tourism in Scotland. Entrance to more than 250 of these monuments is free. For properties where an entrance fee is charged, prices are set in line with similar properties operated by others in the sector. Visitors expect high standards of care, interpretation and visitor facilities that reflect the character of each property and do not detract from its qualities. They expect that so far as possible, the properties will be accessible to all. Many of the properties are on occasion used for private or public events, for international gatherings, or as film locations. These various demands can make the management of often fragile sites a considerable challenge and such activities can only be encouraged where they do not conflict with Ministers' principal duties of care in relation to the properties.
- 4.15. Works at Properties in Care undertaken by Historic Scotland are currently covered by Crown immunity. This means that Historic Scotland's works at properties which are scheduled monuments do not require scheduled monument consent (see Chapter 3 on Consents). Ministers, however, have put in place a parallel system of 'scheduled monument clearance' for works at Properties in Care. This will apply to all Properties in Care and applies the same standards and tests to works (see para 3.26). Works proposed by other parties, however, require formal scheduled monument consent. Depending on the terms under which the monument is held in care, such works could also require the permission of Historic Scotland as guardian, owner or leaseholder. Developments of visitor facilities at Properties in Care are not exempt from the requirement to obtain planning permission from the local authority.

SCOTTISH MINISTERS' POLICY ON PROPERTIES IN THEIR CARE

Composition of the Estate

- 4.16. Scottish Ministers will maintain an estate of properties with their associated collections in state care to preserve and make available a representative collection of the archaeological and architectural past, both for the enjoyment and understanding of the nation and visitors to Scotland, and to ensure that it is preserved for future generations.

- 4.17. The legislation envisages monuments and sites being taken into care in perpetuity. Proposals to add to the estate, therefore, must be very carefully considered. In addition to assessing their merit in terms of their cultural significance, the implications for the balance of the types of property within the estate, and present risks to the monument, Historic Scotland will also consider what alternative options for care there might be and assesses the public benefit that would flow from the new investment. The costs of caring for the existing estate have tended to rise in real terms, so that a realistic approach needs to be taken to targeting public funds where they will best achieve the primary aims of Scottish Ministers in relation to their Properties in Care. Few properties proposed for care are likely to meet these criteria.
- 4.18. Because of the importance of the Properties in Care as a collection, and because of the level of state investment involved, it is currently expected that monuments will be held in perpetuity by the state. Only in exceptional circumstances is a monument likely to go back out of care. In coming to a view on disposals, Scottish Ministers will also take account of the implications for the balance of the remainder of the estate and any possible loss of public access or understanding of the monument. Each case will require the approval of Scottish Ministers, who will consult as appropriate. This policy will not prevent Historic Scotland delegating by agreement to local bodies responsibilities for managing the visitor facilities at particular properties, as happens at present.

Conservation of Properties

- 4.19. The primary purpose of monuments coming into care is for their long-term preservation. Scottish Ministers therefore see the long-term preservation of the monument as their principal consideration. Procedures are in place to support this aim.
- 4.20. Scottish Ministers ensure that all conservation decisions at Properties in Care are based on an evaluation of significance, informed by a thorough knowledge and understanding of their monuments. Scottish Ministers will ensure that an assessment of significance is provided for all Properties in Care, measured against internationally-recognised criteria and a broad understanding of Scotland's past. They will seek to promote conservation and an understanding of Scotland's past through appropriate evaluation, survey, research, investigation, study and interpretation of the Properties in Care.
- 4.21. In order to secure the maintenance of conservation standards Scottish Ministers will ensure that Historic Scotland, on their behalf, maintains an appropriate record of the buildings, sites and monuments in their care, and the work carried out upon them. It is recognised that improvements in knowledge, understanding, international conservation practice and techniques of analysis may lead to reassessment of conservation needs.

- 4.22. Scottish Ministers are committed to the proper management and implementation of conservation at their Properties in Care, each of which has its own particular requirements. They therefore expect Historic Scotland to run an effective programme of inspection, consolidation, maintenance and repair at Properties in Care, employing the best available techniques and the most suitable materials. Scottish Ministers also expect this work to be implemented by staff with the appropriate knowledge, expertise, craft skills, training and resources. The quality of conservation work at Properties in Care is reviewed by Historic Scotland regularly through property condition surveys to ensure it meets the best contemporary standards of conservation; Historic Scotland benchmarks its work against other operators.
- 4.23. Scottish Ministers recognise that Properties in Care are more than the sum of their constituent parts. They have important historical, cultural or emotional associations that give them a particular significance to the life of the nation, as well as to the local communities within which they are set. Many have outstanding landscape or picturesque values and settings. Scottish Ministers will conserve the Properties in Care in a way that preserves these qualities within an appropriate setting, and will work with others to protect and enhance their wider setting.

Managing Activity and Change

- 4.24. Any proposals, whether by Historic Scotland or another party, to use, to provide activities at, or to undertake works at Properties in Care, require careful consideration. They may have implications either for the operation of the monument as a place opened to the public and interpreted for them, or for the preservation of the monument (see Note 4.3), or both. More detail on how such proposals will be assessed is provided in the following paragraphs.
- 4.25. Proposals by Historic Scotland to use or provide activities at Properties in Care which do not involve works are the subject of careful internal scrutiny, which considers their implications for the maintenance of the monument, public access to the monument and the proper control and management of the monument.
- 4.26. Proposals for works by Historic Scotland at Properties in Care will be subject to rigorous assessment by the Historic Scotland Heritage Management Directorate against Scottish Ministers' policies on scheduled monument consent (see Chapter 3 and particularly para 3.26).
- 4.27. Proposals by other parties to use or provide activities at Properties in Care which do not involve works will be the subject of careful scrutiny by Historic Scotland, which considers their implications for the maintenance of the monument, public access to the monument and the proper control and management of the monument.
- 4.28. Proposals for works by other parties at Properties in Care are likely to require scheduled monument consent. In that case they will be rigorously assessed by the Historic Scotland Heritage Management Directorate against Scottish Ministers' policies on scheduled monument consent.
- 4.29. Those proposing to use properties or to undertake works, or both, are encouraged to discuss their proposals with Historic Scotland at an early stage, and certainly before submitting a formal request or scheduled monument consent application. The Commercial and Tourism Group of Historic Scotland should be the first point of contact, and they will involve the Heritage Management Directorate where applicants need pre-application advice about scheduled monument consent.

- 4.30. A very few Properties in Care are not scheduled monuments, but are listed buildings. In such cases Historic Scotland will assess proposals to use properties or to undertake works using the same criteria as for scheduled Properties in Care. Separate applications for listed building consent and, where necessary, planning permission, would, however, have to be made to the planning authority.

Access to Properties

- 4.31. The provision of access to Properties in Care is one of the principal responsibilities of Scottish Ministers undertaken by Historic Scotland. The control and management of sites requires the provision of visitor facilities and information to support this. Access, and the associated understanding and promotion of the sites, lies at the heart of the sustainable management of Properties in Care.
- 4.32. Subject to the overriding objective of conservation and to the careful consideration of the safety of visitors and staff, Scottish Ministers are committed to improving, enhancing and encouraging all forms of access and understanding at their properties and their collections, and to setting the highest standards.
- 4.33. The process of planning for access put in place by Scottish Ministers seeks to optimise access. It will not, however, always be possible to provide full physical and intellectual access to the same degree at all sites. Some of the properties were designed to be difficult to access, and providing full access to these, or to parts of others, would require interventions that would be physically damaging or visually intrusive to an extent which is inconsistent with the primary duty of Scottish Ministers to conserve the properties in their care. Where full access is not possible they expect Historic Scotland to make efforts to provide other forms of access, particularly at popular sites.
- 4.34. Scottish Ministers are committed to developing the highest standards of practice in the presentation and interpretation of the properties, both on and off site. Where local or national interest groups, including equality and disability groups, exist, Scottish Ministers expect Historic Scotland to involve user groups and local communities in planning and developing site facilities and in monitoring the effectiveness of the new provision.
- 4.35. A small number of Properties in Care is not currently accessible to the public on a regular basis, and occasionally parts of other properties may be closed for safety, security or other operational reasons. Scottish Ministers expect Historic Scotland to manage effectively such closures and to advertise changes to opening times. A clear explanation should be provided for the closure in each case.
- 4.36. Scottish Ministers are committed to promoting the use, understanding and enjoyment of Scotland's historic environment as a valuable resource for learning and teaching. They expect the properties to provide a focus to inspire, motivate and nurture learners of all ages and backgrounds across Scotland, through both formal education and lifelong learning. There is a commitment to continuing free educational access to Properties in Care.
- 4.37. The cost of caring effectively for the estate of Properties in Care is high. Scottish Ministers are conscious of the wider economic benefits which arise from visits to the properties and do not expect the estate to generate sufficient revenue to cover these costs. They do however consider that, as in most other countries, visitors should meet part of the costs of operating the estate. They expect Historic Scotland to set admission and other charges which are broadly comparable with those at attractions operated by others and to take into account the facilities provided at each site in setting these charges. For a range of reasons, well over 250 of the properties are likely to remain free for the foreseeable future.

IMPLEMENTATION OF POLICY ON PROPERTIES IN CARE

- 4.38. Implementation of the principles laid out in this policy paper will be embedded in business planning, processes and procedures across Historic Scotland. Where there are particular requirements, operational policy or guidance will be put in place after appropriate consultation. These will include operational policy or guidance on conservation, equality duties, admissions charging, acquisitions and disposals, and the natural environment at Properties in Care. An early outcome will be the publication of an Access Guide to Properties in Care.
- 4.39. In order to improve knowledge, increase understanding and prioritise resources Historic Scotland will maintain a programme of research on different aspects of work on Properties in Care, and where appropriate publish or archive the results.
- 4.40. Historic Scotland will continue an active programme of conservation at Properties in Care. This is planned and documented in Historic Scotland's annual works programme.
- 4.41. Historic Scotland will continue an active programme of interpretation, education and lifelong learning through the Properties in Care.
- 4.42. Historic Scotland will implement its health and safety policy for Properties in Care.
- 4.43. Historic Scotland will include equality and disability awareness training in its training programmes.

CHAPTER 5: THE CONSERVATION OF THE HISTORIC ENVIRONMENT BY GOVERNMENT BODIES IN SCOTLAND

INTRODUCTION

- 5.1. It is a long-accepted principle that government departments (and other government-funded bodies) should each be responsible for the care of assets in their ownership or care, including historic assets on land and under the sea. Parts of government own or manage key elements of Scotland's patrimony and it is the duty and privilege of individual government bodies and their staff to ensure that these historic assets – buildings (both in use and ruined), archaeology and historic landscapes – are properly managed and are handed on to future generations in good condition.
- 5.2. Ministers wish the Scottish Government and its associated bodies to set a good example in the care of their historic estate. Individual departments, directorates, agencies and other bodies which are accountable to Scottish Ministers are expected to adopt and implement the policies set out in the SHEP and to build the protection, management, maintenance or repair of historic assets into their operational and budgetary plans. Scottish Ministers expect UK departments operating in Scotland to manage any historic assets under their control according to the principles set out in the SHEP (see paras 5.6 and 5.8).
- 5.3. The responsibilities exercised by government departments in developing and implementing Ministers' policies in their individual areas of responsibility are set out in Chapter 1 of the SHEP. The most important historic assets in government care are those in the care of Scottish Ministers, managed by Historic Scotland. Ministers' policies for the properties in their care are set out in Chapter 4.

POLICY CONTEXT

- 5.4. Government has an extensive historic estate encompassing buildings (both in use and ruined), archaeology and historic landscapes. Some of these assets have statutory protection as listed buildings, scheduled monuments or because they lie within Conservation Areas. Others may be included on the Inventories of Gardens and Designed Landscapes or Battlefields, or are in World Heritage Sites, National Parks, National Nature Reserves and National Scenic Areas. Public bodies need to have a consistent and co-ordinated approach to protecting these historic assets in the course of their estate management, disposal and procurement activities.
- 5.5. Some assets are best maintained in whatever state they have come down to us (for example archaeological sites); others are best maintained in a viable and appropriate use.

- 5.6. This policy sets out what Scottish Ministers expect of:
- a. all Scottish Government Directorates, Executive Agencies and NDPBs;
 - b. National Health Service, Scotland;
 - c. UK Government Departments operating in Scotland (whose duties in this area have until now been set out in the 2003 DCMS ‘Protocol’ (para 5.8 below).
- 5.7. The policy applies to property owned, managed, rented or leased out (where the terms of the lease allow the organisation to have a direct responsibility or effect) by these organisations. Where responsibility for maintaining archaeological sites and monuments, buildings or land is permanently transferred to the private sector, the requirements of this policy may need to be incorporated in the terms of any contract.
- 5.8. This chapter of the SHEP supersedes for Scotland the 2003 Protocol published for the UK by the Department of Culture, Media and Sport. The 1993 document *The Care of Historic Buildings and Ancient Monuments by Government Departments in Scotland* is also superseded by subject-specific pieces of general guidance published by Historic Scotland. This revision significantly reduces the administrative burden placed on public organisations by the 2003 document, and makes more explicit some areas of work that would have been necessary to implement fully the previous versions. The Department of Culture, Media and Sport are content that UK Government departments operating in Scotland follow the principles and practices set out in this document, in place of those set out in the 2003 Protocol.
- 5.9. It is an important principle that the responsibilities set out in this document and in any guidance and advice issued by Historic Scotland are exercised **in a proportionate way** appropriate to the actual needs of, and what is practicable for, the assets being managed, and to any over-riding operational or legal requirements (such as the security of listed prison buildings or other installations).
- 5.10. Some historic assets will comprise or form part of sites designated also for their national or international biodiversity, natural environment or landscape interest. In such cases an appropriate balance will have to be found between any different management requirements.

IMPLEMENTATION

The bodies set out in para 5.6 will:

Know what assets they have

- 5.11. Organisations must be aware of the designated historic assets in their estate and should either establish and maintain an inventory of assets, or ensure that their existing property/asset management systems take account of historic aspects. Such assets might include: a building or group of buildings; part of a building (e.g. a retained façade); an individual archaeological site or monument or a group of them. Priority in all activities should be given to designated assets (scheduled monuments; listed buildings; conservation areas; gardens and designed landscapes or battlefields on non-statutory Inventories (see Chapter 2)). This record should where possible incorporate a statement of the asset’s significance based on available information.

- 5.12. Historic assets that are not scheduled, listed or on the Inventories – particularly archaeological features – may be material considerations in the planning system or require mitigation in advance of development and bodies should normally also record the location and, if known, the extent of such assets. These basic data are available from RCAHMS and from local Historic Environment Records.

Identify a responsible officer

- 5.13. Someone within each organisation should take responsibility for ensuring that policies and procedures for the historic environment are in place. This person will ensure that a record of historic assets is maintained (see 5.1 above), including any **significant** interventions in the historic environment such as management, repair, maintenance and adaptations. The officer should ensure that individual property managers are aware of their responsibilities under the relevant heritage legislation and the SHEP and ensure that the body complies with the reporting requirements included in this document. Where a building is in shared occupation, one organisation should be identified as taking the lead. The officer should be a person at an appropriate level in the conservation or property management structure of the organisation. Where a body has significant holdings of historic assets a director or senior manager should have oversight of their conservation.

Use consultants and contractors with appropriate qualifications and expertise

- 5.14. It is strongly recommended that specialist conservation consultants and practitioners appropriate to the nature and significance of the asset and the scale of the works are used to prepare condition surveys and to advise on any works of alteration or repair. This also applies to works of research, evaluation and investigation.

Commission condition surveys, inspections and research where appropriate

- 5.15. A fundamental requirement of the SHEP is to maintain a system of regular condition surveys for designated assets (no more than 5 years apart), appropriate to the sort of historic asset – buildings will require a very different approach from, for instance, archaeological earthworks. Such a survey cycle should not replace any more intensive programme of inspection, for example for health and safety reasons such as to ensure that stonework is stable. These reports should identify and prioritise necessary repair and major maintenance requirements. For major infrastructure projects reports should set out the measures carried out to locate, assess significance, avoid, mitigate and record/investigate historic environment assets. If buildings in intensive use are the subject of continuous surveillance and maintenance periodic formal inspections may not be necessary.
- 5.16. Where there are existing monitoring or management arrangements (for example, Historic Scotland has management agreements with Forestry Commission Scotland and Historic Scotland's Heritage Management Field Officers record the state of scheduled monuments) practical arrangements will be made to avoid duplication.

Develop site-specific management guidance

- 5.17. Where appropriate, in addition to regular condition reports, further site-specific guidance can usefully be prepared such as conservation management plans and incident response plans. Such guidance, which should be based upon a thorough understanding of the significance of the asset, will enable sound judgements to be made about repairs, alterations, management, reuse or disposal.

- 5.18. In order to understand fully the building or site, it may be necessary to commission additional research, analysis, survey or investigation. This may be necessary in advance of carrying out works, or in the course of preparing conservation management plans, management guidelines or conservation manuals. A repair and maintenance programme on its own may be insufficient to address complex conservation problems and inherent defects.
- 5.19. Management provisions may include risk assessment, disaster planning (see Note 5.1), access guidance, preventive conservation and environmental assessment particularly where there are inherent defects, vulnerable interiors and any potential conflict between conservation and building use.

Draw up and implement a prioritised maintenance schedule, and planned programme of repairs, maintenance and preventative conservation

- 5.20. Where it is appropriate, planned maintenance registers and forward repair plans are recommended as a means of converting the information provided by the inspections and investigative work into prioritised and costed forward programmes of work. This can vary from cutting vegetation to previously planned maintenance on a major building.
- 5.21. Future repairs identified in the condition reports and surveys, with their estimated costs, and day-to-day maintenance requirements identified in the conservation manual should be included on the register, so that targets can be set for each historic asset over the years.

Ensure a high standard of design in any new work and in the alteration of the historic environment

- 5.22. New work, including alterations and extensions to historic buildings as well as new buildings in historic areas, should enhance its surroundings. Recent guidance relevant at both the planning and building control application stages has introduced the concept of Access Statements as a way of demonstrating that design, refurbishment and product selection decisions have, or will, address the obligations of reasonableness introduced by the Disability Discrimination Act 1995 (DDA). New work should also take into account the principles of sustainable development as set out in the SHEP and other Scottish Government policies.

Ensure that appropriate materials and management regimes are used

- 5.23. Particularly before 1919 most buildings were erected using locally-sourced materials by a labour force with traditional construction skills. Repairs to historic buildings are best carried out using similar materials and an appropriately skilled workforce.
- 5.24. The inappropriate use of modern materials, such as cement renders, can cause major damage to historic structures. Older buildings also need appropriate heating and ventilation. It is always better to work with rather than against the needs of an historic structure. Historic Scotland publishes advice on the maintenance of traditional buildings on its website.

Protect buildings at risk

5.25. The Buildings at Risk Register for Scotland is currently maintained by the Royal Commission on the Ancient and Historical Monuments of Scotland on behalf of Historic Scotland, and provides information on properties of architectural or historic merit throughout the country that are considered to be at risk. A Building at Risk is usually a listed building, or an unlisted building within a conservation area, that meets one or more of the following criteria:

- a. vacant with no identified new use (unless a suitable maintenance regime is in place);
- b. suffering from neglect and/or poor maintenance;
- c. suffering from structural problems;
- d. fire damaged;
- e. unsecured;
- f. open to the elements;
- g. threatened with demolition.

To be at risk, a building does not necessarily need to be in poor condition, it may simply be standing empty with no clear future use. Many buildings at risk are in this latter category. The buildings at risk register (BARR) is available online at www.buildingsatrisk.org.uk

5.26. The National Performance Framework (NPF) measure for the historic environment is currently based on the percentage of Category A listed buildings on the Buildings at Risk Register.

The NPF is available at www.scotlandperforms.com

Every endeavour should therefore be made by organisations reporting to Scottish Ministers and other agencies of government to ensure that their buildings should not be in such a state as to be on this Register. If buildings are on the Register organisations are urged to work with the statutory authorities to agree a strategy for resolving each case.

Work to keep buildings in active use

5.27. Wherever possible, bodies should work imaginatively with others in the private, public and charitable sectors to find new uses or identify appropriate management regimes for redundant buildings.

5.28. Departments and agencies should observe the government guidance on the disposal of historic buildings (see Note 5.2).

Prepare quinquennial stewardship reports

5.29. Bodies covered by the policy should prepare a report to Historic Scotland on their stewardship of all the historic assets in their care every five years. This is intended to be a high-level report describing, under the headings of this policy, the operational policies and arrangements that are in place and noting the main actions to achieve their aims. This replaces the requirement to make detailed biennial returns on individual assets, under the 2003 Protocol.

Ensure that the historic environment is included in climate change actions plans and policies

- 5.30. The historic environment should be included in all site-specific climate change action plans and policies. It is recommended that they include assessment of climate change impacts, measures to ensure that vulnerable sites can respond to changes in climate, monitoring, control and reduction of site carbon footprint and energy usage. All energy efficiency measures should be effective, appropriate and take into account any special historic or architectural features of buildings and landscapes.

ROLE OF HISTORIC SCOTLAND

- 5.31. Historic Scotland acts for and provides advice to Scottish Ministers on all matters relating to the historic environment. The agency has statutory functions, for example in relation to scheduled monuments and listed buildings, Historic MPAs, gardens and designed landscapes and battlefields, and welcomes preliminary discussion of proposals that will affect designated sites and buildings.
- 5.32. As noted above, bodies are expected to make the necessary internal arrangements for the management of public assets in their care. Historic Scotland can provide advice on policies and processes and, where necessary, on individual cases. Historic Scotland will assist in every practical way to ensure that the historic environment in the care of Ministers is treated with sympathy and properly cared for. Ministers' policy is, however, that public funds supplied to HS for grant-aid for building repair and management agreements will not be channelled to other parts of government.

CONTACTS

Further information on Scheduling, Listing, Conservation Areas, Historic MPAs, the inclusion of Gardens & Designed Landscapes and Historic Battlefields on the Inventories and on the related consents processes can be found on Historic Scotland's website www.historic-scotland.gov.uk. Copies of the booklets *Scheduled Monuments: a guide for owners, occupiers and managers* and *Scotland's Listed Buildings* can be obtained from Historic Scotland at the address below. Historic Scotland is constantly improving the information available on the nature, location and, where appropriate, the extent of designated sites on its website. Specific queries on the contents of this paper should be directed, as appropriate, to the following Historic Scotland staff:

- *The SHEP document itself* – The Head of Policy and Legislation
Tel: 0131 668 8650 hs.policyandoutreach@scotland.gsi.gov.uk
- *Consents* – Historic Scotland's Heritage Management Directorate
Tel: 0131 668 8889 hs.heritagemanagement@scotland.gsi.gov.uk
- *Designations* – Historic Scotland's Policy and Outreach Directorate
Tel: 0131 668 8728 hs.policyandoutreach@scotland.gsi.gov.uk
- *Cultural Heritage* – The Head of Cultural Heritage
Tel: 0131 668 8673 hs.policyandoutreach@scotland.gsi.gov.uk

All are based at Historic Scotland's headquarters:

Historic Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Switchboard Tel: 0131 668 8600

NOTES

NOTES TO THE INTRODUCTION

Note 0.1 More information on Historic Scotland can be found on its website www.historic-scotland.gov.uk The 2008 Framework Document can be accessed on Historic Scotland's website:

www.historic-scotland.gov.uk/framework-document.pdf

Note 0.2 The UK Marine Policy Statement can be viewed at:

<http://www.scotland.gov.uk/Resource/Doc/295194/0115242.pdf>

NOTES TO CHAPTER 1

Note 1.1. Until 1919 most houses were built by craftsmen using traditional indigenous building materials.

Note 1.2. Information on World Heritage Sites generally can be found at: <http://whc.unesco.org/en/175/> and on the Scottish sites at:

www.historic-scotland.gov.uk/index/heritage/worldheritage.htm

Note 1.3. The National Performance Framework can be accessed on the Scottish Government website: www.scotlandperforms.com

Note 1.4. The 32 local authorities have a major contribution to make through their role as planning authorities, as co-ordinators of the community planning process, as owners of historic buildings, ancient monuments and parks, and as education and cultural authorities, operating museums, galleries, libraries and archives. Local authorities, at their own hand or through shared services or associated heritage trusts, undertake a wide range of duties in relation to the historic environment. These can include (although not all local authority or other analogous services provide all of the services listed here):

- a. determining listed building consent applications (in partnership with Historic Scotland);
- b. determining conservation area consent applications (in partnership with Historic Scotland);
- c. maintaining a Sites and Monuments Record or Historic Environment Record;
- d. providing advice to applicants for environmental management funds supplied through the Scottish Government to land managers;
- e. undertaking work to identify and protect important archaeological sites that might be affected by forest and woodland planting and management proposals on both public and privately-owned land.

Note 1.5. RCAHMS is a non-departmental public body sponsored by Historic Scotland. It is a key partner of the Agency whose work in survey and record-keeping underpins a significant proportion of Historic Scotland's work of designation and aids the work of many organisations, businesses and individuals. More information on RCAHMS can be found on its website www.rcahms.gov.uk

Note 1.6. Scotland's Historic Environment Audit was set up on the recommendation of the Historic Environment Advisory Council for Scotland: the Audit website is at: www.heritageaudit.org.uk

Note 1.7. PASTMAP is a web-based information resource on the historic environment providing a range of information, free of charge. The website represents a major joint initiative between Historic Scotland, the Royal Commission on the Ancient and Historical Monuments of Scotland and local government. The PASTMAP website (www.pastmap.org.uk) was launched in 2004 and has been a great and undoubted success.

Against a dynamic map base, users can display the locations and, where appropriate, the extent, of:

- a. all the sites, buildings and places recorded in the national database maintained by the Royal Commission on the Ancient and Historical Monuments of Scotland;
- b. all of Scotland's c. 47,000 listed buildings;
- c. Scotland's c. 8000 scheduled monuments;
- d. Gardens and designed landscapes (389);
- e. Historic Battlefields;
- f. Marine Protected Areas;
- g. (over a growing part of Scotland) sites, buildings, places and find spots recorded by local government historic environment services.

NOTES TO CHAPTER 2

Note 2.1. The Valletta Convention can be accessed at: <http://conventions.coe.int/Treaty/en/Treaties/Html/143.htm>

In addition, information on the development of international conservation charters is available in Historic Scotland Technical Advice Note 8.

Note 2.2. Part II of the 1979 Act, relating to archaeological areas, was not brought into effect in Scotland. The 1979 Act does not apply in Northern Ireland.

Note 2.3. Section 61(7) of the 1979 Act.

Note 2.4. Section 61(13) of the 1979 Act.

Note 2.5. As a selective ('nationally important') sample of the nation's archaeology, the Schedule differs from the more comprehensive List of buildings of 'special architectural or historic interest' compiled under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, both in the subject matter and in the procedures which arise from inclusion. While Historic Scotland undertakes casework on scheduled monuments, the first point of contact for listed building consent is the local authority.

Note 2.6. Section 1(3) of the 1979 Act.

Note 2.7. The criteria in force between 1983 and 2005 were published in the Scottish Government's Planning Advice Note 42 Archaeology, the Planning Process and Scheduled Monument Consent Procedures (PAN 42). These were superseded by the publication in 2006 of the criteria and guidance now set here out in

Annex 1. PAN 42 has now been superseded by PAN 2/2011 *Planning and Archaeology* which can be found at:

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

Note 2.8. Section 2 of the 1979 Act.

Note 2.9. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 can be accessed at **www.statutelaw.gov.uk**

Note 2.10. The term 'building' is defined in the 1997 Act as amplified below:

- a. a 'building' includes any structure or erection, and any part of a building in a list compiled or approved by the Scottish Ministers. This can include street furniture, cranes, fountains, bridges, bandstands and earthen works such as ha-has;
- b. any object or structure which is fixed to a listed building, or which falls within the curtilage of such a building and, although not fixed to the building, has formed part of the land since before 1 July 1948, will be treated as part of the building. This includes ancillary structures and outbuildings such as stables, mews, garden walls, dovecots and gate lodges;
- c. any plant or machinery within a building is excluded from the definition of 'building' but can be included within the scope of listing if physically attached to the main building and hence falling within the category of a fixed structure or object;
- d. listing covers the interior as well as the exterior of the building: the fact that the list contains no detailed interior description does not alter this rule. As 'any object or structure fixed to a building' is also treated as listed the definition extends to major interior fixtures such as plasterwork or painted ceilings, chimney-pieces and panelling.

Note 2.11. 1997 Act, section 1(1).

Note 2.12. 1997 Act, section 1(3).

Note 2.13. 1997 Act, section 2(2) and 2(2)(a), sets out this requirement. Up-to-date information on the lists can be obtained from the appropriate local planning authority or from Historic Scotland. Every planning authority is required by the Act to keep available for public inspection, free of charge, at reasonable hours and at a convenient place, copies of those lists and the amendments to them which relate to the buildings within its area. The Scottish Ministers are similarly required to keep a copy of the full List available and do so at the headquarters of Historic Scotland at Longmore House, Edinburgh (under the 1997 Act section 2(4) and 2(3) and through the agency's website, www.historic-scotland.gov.uk). The lists are also available through the Royal Commission on the Ancient and Historical Monuments of Scotland, and through PASTMAP (www.pastmap.org.uk).

Note 2.14. 1997 Act, section 2(2)(a).

Note 2.15. 1997 Act, section 1(4)(b)

Note 2.16. 1997 Act, section 6.

Note 2.17. 1997 Act, section 9. Where a building is both listed and scheduled, the scheduling legislation takes precedence and the other legislation is disapplied.

Note 2.18. Historic Scotland (since January 2006) issues a welcome pack to the owner of any newly listed building, including the findings of consultation and providing supporting information on the designation. Historic Scotland provides advice on what listing means to owners and occupiers in the free publication *Scotland's Listed Buildings*, also available at:

<http://www.historic-scotland.gov.uk/scotlands-listed-buildings.pdf>

Note 2.19. 1997 Act, section 1.

Listed buildings are given categories of listing which distinguish their relative merit. These categories have no statutory weight but are advisory. They inform levels of designation and grant award. There are three categories, defined as follows:

- A buildings of national or international importance, either architectural or historic, or fine little-altered examples of some particular period style or building type;
- B buildings of regional or more than local importance, or major examples of some particular period, style or building type;
- C(S) buildings of local importance; lesser examples of any period, style, or building type, as originally constructed or altered; and simple, traditional buildings which group well with others.

In addition, a system of group categories exists to highlight the contextual relationship which an individual listed building may possess in relation to others. These are A and B Groups. They are in addition to the individual category and likewise have no statutory significance. They serve to flag considerations of setting, function, design, planning and historic combinations where the individual value is enhanced by its association with others.

Note 2.20. Such notices must also give particulars of the effect of designation, especially the controls on demolition. There is no prescribed form of notice, but published notices should describe the area as clearly as possible, such as by reference to street names, with maps available for inspection. The conservation area map should be on a scale of 1:2500 or, exceptionally such as in the case of a large rural area, 1:10,000 and should be accompanied, where appropriate, by a street index complete with house numbers.

Note 2.21. Since this policy was first promulgated, Geographical Information Systems have become common. It is requested that Scottish Ministers also be provided with boundary information in an open GIS format.

Note 2.22. Notice of this must be published and Scottish Ministers informed in the same way as for new designations. When varying a conservation area, a planning authority should preferably cancel the existing boundaries and simultaneously redesignate the new area as a single whole, rather than adding small areas separately designated at the edge of the original area.

Note 2.23. 1997 Act, section 64.

Note 2.24. It might, for example, be sufficient to publish in a local paper and in the Edinburgh Gazette a notice conveying the authority's intentions, informing the public of a convenient place at which maps and background documents can be viewed and inviting comments. A public meeting will often be a useful way both of conveying information and of allaying unfounded fears about the impact of conservation area status on local owners. Consultation with other statutory authorities in the area is also recommended.

Note 2.25. The Scottish marine protection area is the area of sea submerged at mean high water spring tide out to the seaward limit of the territorial sea of the United Kingdom adjacent to Scotland. It excludes any waters upstream of the fresh-water limit of estuarial waters.

Note 2.26. The text of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage is available at: http://portal.unesco.org/culture/en/ev.php-URL_ID=34472&URL_DO=DO_TOPIC&URL_SECTION=201.html

Note 2.27. The Protection of Military Remains Act 1986 is administered by Ministry of Defence. 'Protected Places' are the remains of any aircraft which crashed in military service, or of any vessel designated (by name, not location) which sunk or stranded in military service after 4 August 1914. 'Controlled Sites' are designated areas comprising the remains of a military aircraft or a vessel sunk or stranded in military service less than 200 years ago. Unlicensed diving is prohibited on Controlled Sites but a licence to dive 'on a look but do not touch' basis is not required for Protected Places.

Note 2.28. Under section 255 of the Merchant Shipping Act 1995, 'wreck' is defined as including 'jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water'. Under section 236, recoveries of 'wreck' must be reported to the Receiver of Wreck (Maritime and Coastguard Agency). Finders who report their finds to the Receiver of Wreck have salvage rights. The Receiver of Wreck acts to settle questions of ownership and salvage.

Note 2.29 A copy of the UK Marine Policy Statement is available at:
<http://www.scotland.gov.uk/Resource/Doc/295194/0115242.pdf>

Note 2.30 Section 11 of the Historic Environment (Amendment) (Scotland) Act 2011 inserted a new sections 32A and 32B in the 1979 Act which created a new statutory duty for Scottish Ministers to compile and maintain an inventory of gardens and designed landscapes and an inventory of battlefields which are in their view of national importance. The section also provides that when including any grounds or battlefields in, or modifying, the inventories Scottish Ministers must inform the owner, and if the owner is not the occupier, the occupier of the grounds or battlefields in question and the local authority in whose area the grounds or battlefields are situated. The provision also provides that Scottish Ministers must send a copy of the entry to any person or local authority so informed. The new provision also sets out that Scottish Ministers must from time to time, and in a manner they think fit, publish a list of the gardens and designed landscapes and a list of battlefields included in the inventories.

Section 32 A and Section 32B of the 1979 Act define Gardens and Designed Landscapes and Battlefields as follows:

Gardens and Designed Landscapes: “references to gardens and designed landscapes are to grounds which have been laid out for artistic effect and, in appropriate cases, include references to any buildings, land, or water on, adjacent, or contiguous to such grounds” (Section 32A(2) of the 1979 Act).

Battlefields: “Battlefield” means an area of land over which a battle was fought; or and area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area). (Section 32B(2) of the 1979 Act).

NOTES TO CHAPTER 3

Note 3.1. The text of the Act is available at www.statutelaw.gov.uk

Note 3.2. Section 2 of the 1979 Act.

Note 3.3. Historic Scotland has a leaflet about metal detecting which can be found at
www.historic-scotland.gov.uk/metal-detecting-2.pdf

Note 3.4. The classes of activity that are deemed to have consent are:

Class I certain agricultural, horticultural or forestry works;

Class II works executed more than 10m below ground level by the Coal authority or their licensees;

Class III certain works by the British Waterways Board;

Class IV certain repair or maintenance works to machinery;

Class V certain works urgently necessary for health and safety;

Class VI certain works of archaeological evaluation;

Class VII certain works executed under Agreements under section 17 of the Act (management agreements);

Class VIII certain works grant-aided under section 24 of the Act;

Class IX certain works undertaken by the Royal Commission on the Ancient and Historical Monuments of Scotland.

Note 3.5. Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 section 55: www.statutelaw.gov.uk

Note 3.6. The application process is set out in the Ancient Monuments and Archaeological Areas (Applications for Scheduled Monuments Consent) (Scotland) Regulations 2011. Application forms are available from Historic Scotland and can be downloaded from the agency's website.

Note 3.7. 1979 Act, Schedule 1, Pt I, paragraph 3(2).

Note 3.8. Only around 13% of scheduled monument consent applications are associated with a planning application. The rest relate to processes not covered by the planning system.

Note 3.9. Or where works are urgently necessary in the interests of health and safety (section 2(9) of the Ancient Monuments and Archaeological Areas Act 1979).

Note 3.10. These provisos are made because of experience in the 1960s to 1980s, when a large backlog of unpublished excavations developed; see G J Barclay & O Owen 'Historic Scotland's Backlog Project and the Projects Database', *Proceedings of the Society of Antiquaries of Scotland*, vol 125 (1995), 1–8, which can be accessed at:

http://ads.ahds.ac.uk/catalogue/adldata/arch-352-1/dissemination/pdf/vol_125/125_001_008.pdf

Adequacy of resources will be determined on the basis of the scale and complexity of the project. It would be expected that an applicant for consent to excavate a nationally important monument will have completed and published projects of a comparable scale and complexity, and not have a backlog of unpublished fieldwork. Scheduled monuments are a small, nationally-important, proportion of Scotland's archaeological heritage, and should only be excavated by experienced archaeologists.

Note 3.11. Currently, Scottish Planning Policy (as published on 4 February 2010) deals with listed buildings, conservation areas, World Heritage Sites, historic gardens, designed landscapes and their settings, and sets out the role of the planning system in protecting ancient monuments and archaeological sites and landscapes.

Note 3.12. To assist the Royal Commission in its task of selecting buildings which merit recording, it would be helpful if planning authorities could, when notifying demolition applications, include brief details of the building to include all unlisted buildings except ecclesiastical buildings in use as such, although this exemption may shortly be varied by order, scheduled monuments and buildings excepted by the direction of Scottish Ministers.

NOTES TO CHAPTER 4

Note 4.1. The legal effect of guardianship is set out in section 13 of the Ancient Monuments and Archaeological Areas Act 1979. The Act can be accessed at: www.statutelaw.gov.uk Section 13 of the 1979 Act details the specific duty to maintain the monuments and to exercise proper control and management.

The legal effect of guardianship of land in the vicinity of an ancient monument is set out in section 15 of the 1979 Act.

Access is regulated under section 19: subject to section 13(2A) and 15(3A) of the 1979 Act the provisions of this section, the public shall have access to any monument under the ownership or guardianship of the Scottish Ministers.

Section 19 empowers Scottish Ministers to control and regulate access by:

- a. setting the times of normal public access (what constitutes 'normal' is not defined by the Act, thereby enabling Scottish Ministers and Historic Scotland on their behalf to take account of a variety of considerations including location, the fragility of the monument and visitor safety);
- b. charging admission;
- c. excluding the public from all or any part of a monument in the interests of safety or of the maintenance or preservation of the monument;
- d. prohibiting or regulating any act or thing which would tend to injure or disfigure a monument or to disturb the public in their enjoyment of it;
- e. refusing admission to anyone where there is reasonable cause to believe they will injure or disfigure a monument or its amenities, or are likely to disturb the public enjoyment of it.

Note 4.2. Historic Scotland's collecting policy is set out in its operational policy paper *Acquisition and Disposal of Collections* (revised 2009). Formally adopted by Historic Scotland's senior management team in December 2009, it regulates the way in which the Agency collects and disposes of items from its extensive collections of historic objects and archaeological artefacts. The adoption and implementation of this policy is a requirement of the Museum Accreditation scheme endorsed by the Department of Culture Media and Sport and operated in Scotland by Museums Galleries Scotland. Historic Scotland was awarded Full Accreditation status in July 2010. Its collecting policy will undergo formal review in 2013.

Note 4.3. For the vast majority of Properties in Care, which are scheduled monuments, under Section 2 of the 1979 Act.

NOTES TO CHAPTER 5

Note 5.1. For custodians of listed properties, there is an ongoing programme of recording and briefings for the local fire and rescue service running in Scotland. It seeks to ensure that any response to an incident takes into account the layout of the building and peculiarities of the site. This might include voids, structural details and hazards that might be encountered during a response. Although the project does not deal with the sensitive issue of building contents, features of historical significance are identified, such as ornate plasterwork ceilings.

Note 5.2. Government advice on the disposal of historic assets is available at: www.culture.gov.uk/images/publications/Disposal_Historic_report.pdf

ANNEX 1: CRITERIA FOR AND GUIDANCE ON THE DETERMINATION OF ‘NATIONAL IMPORTANCE’ FOR SCHEDULING

PREAMBLE

1. The Ancient Monuments and Archaeological Areas Act 1979 provides for the scheduling of ancient monuments, the sole criterion being that they are of national importance. A definition and operational guidance on how to determine whether or not a monument is of national importance was approved by the (former) Ancient Monuments Board for Scotland in 1983. The criteria and guidance set out here are an updated version that takes account of the development of treaty, charter and practice in the UK and abroad and was also informed by a consultation exercise carried out in 2004. While based on the 1983 text, it also reflects the principles originally published in the Stirling Charter (2000), and now set out in paragraphs 1.14 to 1.16 above. These have been informed by, and build on, the body of international conservation charters already in being. One of the most influential of these is the Burra Charter (current edn 1999), which introduced the now widely accepted concept of ‘cultural significance’. While taking into account national and international developments, this revised guidance has been prepared with the welfare of Scotland’s archaeological and built heritage in mind. The primary aim of this document is to provide guidance in determining whether monuments are of national importance.

ROLE OF HISTORIC SCOTLAND

2. The process of scheduling is undertaken on behalf of Scottish Ministers by Historic Scotland. Historic Scotland is an executive agency directly accountable to Scottish Ministers with the remit of protecting Scotland’s historic environment. The selection of monuments and the scheduling process is undertaken by professional staff within Historic Scotland applying the policies, criteria and guidance set by Scottish Ministers.

CULTURAL SIGNIFICANCE

3. The first step in considering whether a monument is of national importance is to identify and understand its cultural significance. The concept of ‘cultural significance’ will apply widely and to different degrees to all of Scotland’s historic environment, and should not be confused with the establishment of ‘national importance’, which is a separate process. For a monument or a class of monuments to be considered as being of national importance it must, first, have a particular cultural significance – artistic; archaeological; architectural; historic; traditional (factors listed in the 1979 Act); aesthetic; scientific; social – for past, present or future generations. Such significance is inherent in the monument itself, its fabric, setting, use, associations, meanings, records, related monuments and related objects.

4. For most of Britain's and Scotland's past, there are no 'national' prehistories or histories, as reflected in the historic environment. Instead, there is an aggregation of related prehistories and histories of different regions, which may have wider national or international links. It is through these linked regional histories and prehistories that the history of Scotland and the UK can be understood.
5. Cultural significance of any monument, whether of national importance or more local significance, can be characterised by reference to one or more of the following; the characteristics are in three groups:

Intrinsic – those inherent in the monument;

Contextual – those relating to the monument's place in the landscape or in the body of existing knowledge; and

Associative – more subjective assessments of the associations of the monument, including with current or past aesthetic preferences.

Intrinsic characteristics

- a. the condition in which the monument has survived. 'Condition' includes the potential survival of archaeological evidence above and below ground, and goes beyond the survival of marked field characteristics;
- b. the archaeological, scientific, technological or other interest or research potential of the monument or any part of it;
- c. the apparent developmental sequence of the monument. Monuments that show a sequence of development can provide insights of importance, as can places occupied for a short time;
- d. the original or subsequent functions of the monument and its parts.

Contextual characteristics

- e. The present rarity or representativeness of all or any part of the monument, assessed against knowledge of the archaeology of Scotland and of the region in which the monument occurs;
- f. the relationship of the monument to other monuments of the same or related classes or period, or to features or monuments in the vicinity. This is particularly important where individual monuments, themselves perhaps of limited immediate significance, form an important part of a widespread but varied class. The diversity of the class should be a material consideration in making individual decisions;
- g. the relationship of the monument and its parts with its wider landscape and setting.

Associative characteristics

- h. The historical, cultural and social influences that have affected the form and fabric of the monument, and vice versa;
- i. the aesthetic attributes of the monument;
- j. its significance in the national consciousness or to people who use or have used the monument, or descendants of such people; and

- k. the associations the monument has with historical, traditional or artistic characters or events.
6. Understanding of cultural significance may change as a result of the continuing history of the monument, or in the light of new information, or changing ideas and values.

NATIONAL IMPORTANCE

7. The primary purpose of scheduling under the 1979 Act is the preservation of, and control of works on, monuments, the survival of which is in the national interest. The provisions of the 1979 Act are consistent with the principles of minimal intervention to ensure that the characteristics that make a monument of national importance are preserved as far as possible in the state in which it has come down to us, and is passed on to future generations in as unchanged a state as is practicable, in accord with the principles of sustainable development. In general, those principles will only be set aside in circumstances where wider considerations are deemed, on balance, to be of greater importance to the national interest, rather than to any sectoral or local interest; in individual cases such considerations may include the needs of research into Scotland's past.
8. It should be noted that no period of Scotland's past and no part of Scotland's land is inherently more or less likely to produce monuments of 'national importance' than another.
9. The purpose and implications of scheduling are issues that require to be taken into consideration when assessing monuments for scheduling. Scheduling may not be the only, or the most appropriate, mechanism to secure the future of all sites, even those that may otherwise meet the criteria.
10. The particular significance needed to define the monument as of 'national' importance may be established in terms of one or more of the following:
- a. its inherent capability or potential to make a significant addition to the understanding or appreciation of the past;
 - b. its retention of the structural, decorative or field characteristics of its kind to a marked degree;
 - c. its contribution, or the contribution of its class, to today's landscape and/or the historic landscape;
 - d. the quality and extent of any documentation or association that adds to the understanding of the monument or its context;
 - e. the diminution of the potential of a particular class or classes of monument to contribute to an understanding of the past, should the monument be lost or damaged; and
 - f. its place in the national consciousness is a factor that may be considered in support of other factors.

ANNEX 2: CRITERIA FOR DETERMINING WHETHER A BUILDING IS OF ‘SPECIAL ARCHITECTURAL OR HISTORIC INTEREST’ FOR LISTING

1. The criteria can only provide a framework within which professional judgement is exercised in reaching individual decisions.
2. To be listed, a building need not be functioning for the purpose originally intended. For example, a redundant railway viaduct may have continued its life as a walkway or cycle path, even a wildlife sanctuary.
3. The principles of selection for statutory listing are broadly:
 - a. age and rarity;
 - b. architectural or historic interest;
 - c. close historical associations.

AGE AND RARITY

4. The older a building is and the fewer of its type that survive the more likely it is to present a special interest. Age is a major factor in the evaluation process but its weight differs across the building types. Period definitions are given to facilitate the assessment but these are not intended to be watersheds or cut-off points.
5. All buildings erected before 1840 (pre-Victorian and the arrival of the railways) which are of notable quality and survive predominantly in their original form have a strong case. The year 1840 was selected because of the change which followed, in terms of the greater standardisation of materials and design, improved communications and the birth of the architectural press.
6. Buildings put up between 1840 and 1945 which are of special architectural or historic interest and of definite character either individually or as part of a group may be listed. As the survival rate increases after 1914, greater selectivity will be applied to take account of lesser rarity and relative age.
7. Those erected after 1945 may merit inclusion on the lists if their special architectural or historic interest is of definite architectural quality.
8. The listing of buildings less than 30 years old requires exceptional rigour because those making the judgement do not have the advantage of a long historical perspective. Threats to building types are often a trigger for advance consideration of buildings from this period.

ARCHITECTURAL OR HISTORIC INTEREST

9. Selection for architectural or historic interest is assessed under a range of broad headings, summarised below.
10. *Interior:* Interior design and fixed decorative schemes of houses or business premises in all their variation can add to the case for listing. Examples include skirting boards, plasterwork, dado rails, chimney-pieces, staircases, doors and over-door panels, ornate radiators, floor grilles, sanitary ware, the existence of box-beds, vaulted basement or wine cellar divisions, slate shelving, servant bell systems, shop or pub fittings and fixed internal machinery.
11. *Plan Form:* The internal planning of buildings is instructive and can be ingenious although it may not be evident on the exterior. For example, the original flatting arrangement in terraced houses and tenements may not be obvious from the street and the plan of a farm steading, hospital or prison may reflect the latest theories in the design of each of these structures and therefore give the property additional significance.
12. *Technological excellence or innovation, material or design quality:* Evidence of structural or material innovation adds weight to a decision. Exceptional structural form can be significant and is found across the wide variety of building types from a cruck-framed barn to an early iron-framed jute mill or steel-framed office block. Exceptional use of materials or use of fine material may be a factor. Style will be considered against relevant conventions particularly for its quality or exceptional interest.
13. *Setting:* The context in which a structure sits can be a critical factor in its evaluation. It invariably accounts for its form and should not be under-rated. A structure whose setting has changed adversely, removing the original contextual character, or which has been removed from its context, has one less factor in support of its case for designation.
14. *Regional Variations:* The best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. It is important to ascertain distinctive regional variations in type, material and form.

CLOSE HISTORICAL ASSOCIATION

15. Close associations with nationally important people, or events whose associations are well-documented, where the physical fabric of the building is also of some quality and interest, can be a significant factor. In consideration of such cases the association must be well authenticated and significant. The fabric should reflect the person or event and not merely be a witness to them. Local traditions are not always trustworthy. In most cases the building in question will have other qualities which combine to give it special interest, such as Walter Scott's house in Castle Street, Edinburgh, which forms part of a fine classical terrace. Where architectural interest is weak the case for listing on historical association must be strong. The building must be well preserved in a form and condition which directly illustrates its historical associations with the person or event in question. The transient association of short term guests, lodgers and tenants, however eminent, will not usually justify listing.

WORKING WITH THE PRINCIPLES

16. In choosing buildings within the above broad principles:
 - a. particular attention is paid to the special value within building types, either for architectural or planning reasons, or as illustrating social and economic history;
 - b. a building may be listed for its contribution to an architecturally or historically interesting group, such as a planned burgh, town square or model village as well as its intrinsic merit considered in isolation;
 - c. the impact of vernacular buildings in particular is often made not only by individual buildings but by their grouping. At the other end of the spectrum, a major country house may well be enhanced by adjacent buildings such as stables, lodges, gatepiers and bridges in its curtilage, and vice versa;
 - d. authenticity, that is a building's closeness to the original fabric and therefore its ability to convey its significance, and levels of integrity, carries weight. It need not be the case that a building is as originally built, because changes made to it may have added to its significance. What is added or taken away will be considered for the overall benefit or detriment to its character.
17. It is important to stress that when buildings are being considered for listing, no factors other than architectural or historic interest as defined above can be taken into account. The condition of a property, for example, is not a factor in the evaluation unless it detracts significantly from the architectural or historic interest so that it can no longer be defined as special.

ANNEX 3: CRITERIA FOR THE DESIGNATION OF A CONSERVATION AREA

1. It is the character or historic interest of an area created by individual buildings and open spaces and their relationship one with the other which the legislation covering conservation areas seeks to preserve.
2. The statutory definition is 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' and conservation areas will inevitably be of many different kinds.
3. The principles of selection for designation as a conservation area are broadly as follows:
 - a. areas of significant architectural or historic interest in terms of specific listed buildings and/or ancient monuments;
 - b. areas of significant architectural or historic interest in terms of building groupings, which may or may not include listed buildings and/or ancient monuments, and open spaces which they abut;
 - c. areas with features of architectural or historic interest such as street pattern, planned towns and villages and historic gardens and designed landscapes;
 - d. other areas of distinctive architectural or historic character.
4. In designating a conservation area, thought should also be given to the reasons why it is felt that it should be protected. These may include:
 - a. its special architectural and historic importance;
 - b. its distinct character;
 - c. its value as a good example of local or regional style;
 - d. its value within the wider context of the village or town;
 - e. its present condition and the scope for significant improvement and enhancement.

ANNEX 4: CRITERIA FOR AND GUIDANCE ON THE DETERMINATION OF 'NATIONAL IMPORTANCE' FOR THE DESIGNATION OF HISTORIC MARINE PROTECTED AREAS

1. These criteria are adapted from those for the scheduling of ancient monuments as being of 'national importance' under the terms of the Ancient Monuments and Archaeological Areas Act 1979. The intention is to keep the two sets of criteria as close together as possible.

Cultural Significance

2. The first step in considering whether an asset is of national importance is to identify and understand its cultural significance. The concept of 'cultural significance' will apply widely and to different degrees to all of Scotland's historic environment, and should not be confused with the establishment of 'national importance', which is a separate process. For an asset to be considered as being of national importance it must, first, have a particular cultural significance – artistic; archaeological; architectural; historic; traditional; aesthetic; scientific; social – for past, present or future generations. Such significance is inherent in the asset itself, its nature, setting, use, associations, meanings, records, related assets and related objects.
3. Cultural significance of any asset, whether of international, national importance or more local significance, can be characterised by reference to one or more of the following; the characteristics are in three groups:

Intrinsic – those inherent in the asset;

Contextual – those relating to the asset's place in its wider physical environment or in the body of existing knowledge; and

Associative – more subjective assessments of the associations of the asset, including with current or past aesthetic preferences.

Intrinsic characteristics

- a. The condition in which the asset has survived. 'Condition' includes potential survival of archaeological evidence, and goes beyond the survival of marked field characteristics;
- b. the archaeological, architectural, historic, scientific, technological or other interest or research potential of the asset or any part of it;
- c. the original or subsequent functions of the asset and its parts; and,
- d. the apparent developmental sequence of the asset.

Contextual characteristics

- e. The present rarity or representativeness of all or any part of the asset, assessed against knowledge of the history and archaeology of Scotland, its seas, and their place in the wider world;
- f. the relationship of the asset to others of the same or related classes or period, or to features or other assets in the vicinity. This is particularly important where individual assets, themselves perhaps of limited immediate significance, form an important part of a widespread but varied class. The diversity of the class should be a material consideration in making individual decisions;
- g. the relationship of the asset and its parts with its wider physical environment and setting.

Associative characteristics

- h. The historical, architectural, cultural and social influences that have affected the form and fabric of the asset and vice versa;
 - i. the aesthetic attributes of the asset;
 - j. its significance in the national or international consciousness or to people who use or have used the asset, or descendants of such people; and
 - k. the associations that asset has with historical, traditional or artistic characters or events.
4. Understanding of cultural significance may change as a result of the continuing history of the asset, or in the light of new information, or changing ideas and values.

National Importance

5. The relationship of marine historic assets to the adjacent land can be complex and variable. Some elements may have been integral parts of adjacent landmasses, now inundated. In the case of wrecks or material associated with wrecks of vessels or aircraft, some have strong and far reaching connections; others may have a transitory association but little or no original link to the places in which they have come to rest. The determination of national importance is to encompass consideration for such assets which may be important beyond Scotland.

6. The primary objectives of Historic MPA designation are to help preserve marine historic assets of national importance and to celebrate and communicate their heritage value so that everyone can appreciate these assets and act responsibly.
7. The purpose and implications of each designation are issues that require to be taken into consideration when assessing candidates for designation. Designation may not be the only, or the most appropriate, mechanism to secure the future of all assets, even those that may otherwise meet the criteria.
8. The particular significance needed to define the asset as of 'national' importance may be established in terms of one or more of the following:
 - a. its inherent capability or potential to make a significant addition to the understanding or appreciation of the past;
 - b. its retention of the structural, technical, decorative or other characteristics of its kind to a marked degree;
 - c. its contribution, or the contribution of its class to the marine historic environment and/or the wider marine environment;
 - d. the quality and extent of any documentation or association that adds to the understanding of the asset or its context;
 - e. the diminution of the potential of a particular class or classes of asset to contribute to an understanding of the past, should it be lost or damaged;
and
 - f. its place in the national or international consciousness is a factor that may be considered in support of other factors.

ANNEX 5: CRITERIA FOR DETERMINING WHETHER A GARDEN OR DESIGNED LANDSCAPE IS OF ‘NATIONAL IMPORTANCE’ FOR INCLUSION IN THE INVENTORY

1. Sites are assessed for their:
 - a. value as individual works of art in their own right;
 - b. historic value;
 - c. horticultural, arboricultural or silvicultural value;
 - d. architectural value;
 - e. scenic value;
 - f. nature conservation value; and,
 - g. archaeological value.
2. Their current condition and integrity are also important considerations.
3. The relative importance of a site depends on the extent to which each value is expressed. A site may have outstanding value, high value, some value, little value or no value.
 - a. A site has **outstanding** value as a work of art if, in its present form:
 - (i) it was considered to be have such value in contemporary views etc. at one or more stages of its history or, if it became a significant trendsetter for later works;
 - (ii) it is an important example of the work of a particular designer or designers. It might have rarity value if the designer executed few schemes or it might be particularly representative, intact or a key work.
 - b. A site has outstanding historic value if:
 - (i) there is good contemporary documentary and physical evidence of its development;
 - (ii) it is, as a whole, an **outstanding** representative of a particular period of the historic development of gardens and designed landscapes;
 - (iii) it has one or more components which provide an outstanding example of a particular period or style; and,
 - (iv) it was a trendsetting landscape at some stage in its history;

- (v) it has physical evidence of a particularly early form of designed landscape; and,
 - (vi) it has strong associations with an important historic personality.
- c. A site has **outstanding** horticultural, arboricultural or silvicultural value if:
- (i) it has an outstanding collection of plants shrubs or trees with a wide range of species, unusual species or rarities, which are in good condition and being renewed;
 - (ii) it has an **outstanding** scientific collection of plants, shrubs or trees which are in good condition, documented, propagated and made available to others;
 - (iii) it has an important place in the history of horticulture or arboriculture; and,
 - (iv) it demonstrates important pioneering steps in silviculture.
- d. A site has **outstanding** architectural value if:
- (i) it provides the setting for a building or buildings of outstanding architectural or historic interest;
 - (ii) it contains architectural features or ornamentation which, together, are of exceptional interest.
- e. A site has **outstanding** scenic value if:
- (i) it makes a major contribution to the quality of the surrounding landscape by virtue of its size, location or nature or, because it is particularly prominent because of rarity and contrast with the surrounding landscape.
- f. A site has **outstanding** nature conservation value if:
- (i) it contains habitats which are officially designated as, for example, Sites of Special Scientific Interest.
- g. A site has **outstanding** archaeological value if:
- (i) it provides the setting for or contains scheduled monuments.
4. Evaluation and grading of sites can be a sensitive issue. Decisions on the relative importance of different sites must be based upon consideration of the ways in which the values noted above are expressed. Generally, the greater the number of outstanding or high values the more important the site. However, exceptionally, sites may be of such significance for one value that they too must be regarded as of national importance.
5. The condition of the site today and its overall integrity are important elements of the selection process. They become significant issues when the condition of site, and therefore its integrity, is such that its interest has become devalued to the degree that it cannot be regarded as of national importance in today's terms.

ANNEX 6: CRITERIA FOR DETERMINING WHETHER A BATTLEFIELD IS OF ‘NATIONAL IMPORTANCE’ FOR INCLUSION IN THE INVENTORY

1. The criteria below provide a framework for identifying battlefield sites of national importance.
2. A battlefield is likely to be of national importance if it makes a contribution to the understanding of the archaeology and history of the nation as a whole, or have the potential to do so, or holds a particularly significant place in the national consciousness. In this context the concept of national includes the linked regional histories and pre-histories through which the development of Scotland as a nation can be understood. A site will be of more local significance where its contribution or potential lies in understanding the archaeology and history of a specific area.
3. In considering whether a site merits inclusion in the Inventory, a battlefield must be considered of national importance in relation to one or more of the following factors:
 - a. association with historical events or figures of national significance;
 - b. significant physical remains and/or archaeological potential; and,
 - c. battlefield landscape.

In addition, the following criterion must be met in every case:

- d. capable of definition on a modern map.

ASSOCIATION WITH HISTORICAL EVENTS OR FIGURES OF NATIONAL SIGNIFICANCE

4. The historical association of battlefields relates to the contribution of the battle to historical developments, including military history, of significance to the nation as a whole. Key considerations will be whether there were significant military innovations or occurrences associated with the battle, in terms of tactics or technology; and the association of the battle with a nationally significant historical figure, event or campaign. Consideration may also be given to the place of the battle in the national consciousness where this appears particularly significant.

SIGNIFICANT PHYSICAL REMAINS AND/OR ARCHAEOLOGICAL POTENTIAL

5. This relates to the specific qualities of a battlefield in the form of surviving physical remains associated with the battle and the archaeological potential of the battlefield. Archaeological evidence can amplify documentary records and provide details about events, weaponry and combatants that are not available through other sources. Evidence may include physical features that were present at the time of the battle, whether natural elements such as hills or ravines, or constructed elements such as field walls or buildings; elements resulting from the battle itself, including earthworks, graves and artefacts such as bullets, arrowheads and personal effects; other buried archaeological deposits, such as the remains of camps or entrenchments. The quality of surviving documentary and historic map evidence relating to the battle may add to the importance of the site by enhancing its potential to contribute to our understanding of historical events.
6. The potential survival and quality of evidence may be affected by a range of factors, including the period within which the battle took place, the scale of the battle, numbers of fallen, the physical properties of any upstanding remains, artefact scatters or buried deposits, the soil conditions and post-battle land-use.

BATTLEFIELD LANDSCAPE

7. The landscape context of the battlefield is important in view of the fact that battles were seldom fought in small clearly-defined areas, but were more often events ranging across a wider landscape. It is important for understanding military tactics strategic planning and the importance of key features such as vantage points and lines of sight, and for explaining why events unfolded as they did. The battlefield landscape includes the area where the armies deployed and fought initially; the wider landscape where significant associated events occurred, including secondary skirmishes, associated earthworks, camps and burials, and lines of advance and retreat; and additional elements such as memorials that may be detached from the main areas of the battle.
8. The association of a landscape with a battle can be very strong and a battlefield can contribute fundamentally to our sense of place even when no physical evidence is present or visible or the character of the landscape context has been affected by post-battle changes.

DEFINITION ON A MODERN MAP

9. To merit inclusion it is essential to identify the location of the site and map indicative boundaries based on informed interpretation of available knowledge. Sites that cannot be defined in this way will not be included in the Inventory. However, they may be considered for inclusion when sufficient evidence for their accurate location becomes available.
10. The Inventory includes a description and indicative map of the battlefield landscape. This is the overall area of interest within which events of the battle occurred, and include both the main focus of fighting and the wider area within which additional events are likely to have occurred. The initial focus of fighting is the area where the armies initially arrayed and where the most concentrated fighting took place. However, it is not always possible to identify this area accurately, and in some cases there are alternative options which are equally valid on the basis of current knowledge. The wider area includes zones of secondary fighting or skirmishes, lines of advance and retreat, associated earthworks and camps, burials and memorials. In some cases, battle memorials or other features associated with the battle which lie outside the defined battlefield landscape may be highlighted in the Inventory for their relevance to the battlefield and its subsequent history.

ANNEX 7: RELATIONSHIP OF SCHEDULED MONUMENT CONSENT TO PLANNING CONSENT

1. Scheduled monument consent and planning permission are two quite separate statutory requirements, governed by different laws which serve different purposes. What is material to one decision will not necessarily be material to the other. Both are required where ‘works’ defined in section 2(2) of the Ancient Monuments and Archaeological Areas Act 1979 are also ‘development’ defined in section 26 of the Town and Country Planning (Scotland) Act 1997. Consent granted under one regime is without prejudice to the other. Where both are required, the applicant must obtain both consents before work can commence.
2. The purpose and objectives of the planning system are set out in Scottish Planning Policy (SPP) 2010. Paragraph 118 of SPP on scheduled monuments and designated wrecks confirms that the preservation of scheduled monuments, *in situ* and within an appropriate setting, is a material consideration in both the development planning and the development control processes.
3. Scheduled monument consent and planning permission are both required where works/development would have a direct impact on the legally protected area of the monument, as defined in the scheduling documents. However, the provisions of the Ancient Monuments and Archaeological Areas Act 1979 do not extend beyond that. In the case of impact on the setting of the monument, securing the preservation of the monument ‘within an appropriate setting’ as required by national policy is solely a matter for the planning system. Whether any particular development will have an adverse impact on the setting of a scheduled monument is a matter of professional judgement. It will depend upon such variables as the nature, extent, design of the development proposed, the characteristics of the monument in question, its relationship to other monuments in the vicinity, its current landscape setting and its contribution to our understanding and appreciation of the monument. More detail about how to assess setting is provided in Historic Scotland’s guidance note *Managing Change in the Historic Environment: Setting* (October 2010).
4. The role of the planning system in the protection of both the site and the setting of scheduled monuments is reflected in the statutory consultation requirements set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, and in the notification requirements of the Town and Country Planning (Notifications of Applications) (Scotland) Direction 1997.

ANNEX 8: LISTED BUILDING CONSENT PROCESSES

WHEN IS LISTED BUILDING CONSENT REQUIRED?

1. Where a planning authority considers that proposed works would not affect a listed building's character, it may indicate to an applicant that listed building consent is not required. If a planning authority judges that listed building consent is needed, the applicant must prepare drawings and any other related documents as required. The scope of the information required will vary considerably depending on the circumstances of the case.
2. Listed building consent is also not required in the following circumstances:
 - a. for works to objects or structures erected within the curtilage of a listed building since 1 July 1948 and not physically attached to the building;
 - b. for works of alteration or extension to ecclesiastical buildings in use as such;
 - c. for works to buildings which are scheduled as monuments and protected by the Ancient Monuments legislation, although consent under the terms of that legislation will almost certainly be required (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 55); and,
 - d. for erection of a free-standing building in the curtilage of a listed building. Exceptionally, however, a proposal to build a substantial new structure extremely close to the listed building, but not physically attached, which the planning authority considers would be clearly out of character with the building or its setting could be regarded as constituting an alteration or extension to the listed building. Therefore it may be subject to listed building control. However, when considering a planning application for development within the curtilage of a listed building a planning authority must take into account the impact on its setting. It must also take account of alterations to any buildings within its curtilage (see Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 59).
3. Applications for listed building consent are determined by the planning authority, unless the local authority is itself the applicant, in which case Historic Scotland would consider the proposal on behalf of Scottish Ministers. Where any application proceeds to public local inquiry the final decision is taken by Scottish Ministers.
4. Under section 14(2) of the 1997 Act, in the determination of an application for listed building consent, the planning authority is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

5. If a planning authority is minded to grant listed building consent affecting a an A or B listed building, the application is automatically passed to the Scottish Ministers, who have a statutory 28-day period (unless extended) in which to decide whether to call in the application for their own decision. Scottish Ministers are advised by Historic Scotland in such cases. Applications for listed building consent which are refused by a council's planning committee are not referred to the Scottish Ministers. In such cases, and in instances where listed building consent is granted subject to conditions which the applicant considers unreasonable, the applicant may appeal to Scottish Ministers. During the lifetime of this SHEP Historic Scotland will be exploring the selective removal of the need to notify Historic Scotland in certain kinds of listed building consent casework.
6. Section 55(2) (further amendment of the listed buildings Act) of the Planning etc. (Scotland) Act 2006 ("the 2006 Act") amended section 13 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("the 1997 Act"). As a result , Scottish Ministers can direct that certain specified descriptions of applications for listed building consent will no longer require to be notified to them under section 12 of the 1997 Act. A number of local authorities are now operating under the Listed Buildings and Conservation Areas (Removal of Duty to Notify) (Scotland) Direction 2008. Under this Direction, decisions on applications for specified works to B-listed buildings are not required to be notified to Scottish Ministers.

SETTING

7. Under section 59(1) of the 1997 Act the planning authority, in determining any application for planning permission for development that affects a listed building or its setting, is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
8. Planning authorities must consult Scottish Ministers in respect of applications under the Town and Country Planning (Scotland) Act 1997 that affect a category A listed building or its setting (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008).

DEMOLITION

9. Listed building consent is required for the demolition of a listed building. Demolition means the destruction, or substantial destruction, of the whole building. Less significant dountakings are regarded as works of alteration and potentially requiring listed building consent. The question of whether a proposal falls into the category of demolition or alteration is ultimately one of fact and degree, and requires careful consideration by the planning authority.

EXEMPTIONS

10. Under the terms of section 54 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 any ecclesiastical building which is for the time being used for ecclesiastical purposes in Scotland is exempt from the need to apply for listed building consent. The exemption for ecclesiastical buildings does not cover the demolition of a listed ecclesiastical building, since by definition ecclesiastical use must cease before demolition is carried out. Neither does it apply to any works to a former ecclesiastical building which has passed into secular use or which is disused. Exemption does not apply to a building used or available for use by a minister of religion as a residence. Similarly, listed churchyards taken over by local authorities as graveyards are not exempt from the requirement to obtain listed building consent for works to those graveyards.

11. Notwithstanding the exemption, there is a voluntary arrangement currently in place and agreed by Historic Scotland, the Scottish Churches Committee and COSLA, in consultation with the Scottish Society of Directors of Planning. Under this arrangement it was agreed to apply listed building control to buildings used by certain denominations in respect of works proposed to the exterior of churches in ecclesiastical use. The following denominations only, being members of the Scottish Churches Committee, are included:

Associated Presbyterian Churches

Baptist Union of Scotland

Church of Scotland

Free Church of Scotland

Free Presbyterian Church

Methodist Church in Scotland

Roman Catholic Church in Scotland

Scottish Episcopal Church

United Free Church of Scotland

United Reformed Church Scotland Synod (formerly Scottish Congregational Church)

MISCELLANEOUS

12. Certain permitted development rights do not apply within the curtilage of listed buildings. This means that planning permission is required for minor forms of development such as erecting fences, walls, gates or small sheds.
13. From 12 June 2006 the Crown has had to obtain listed building consent for works to a listed building.
14. In some cases buildings or structures are both scheduled monuments and listed. In such cases anyone wanting to undertake works which affect or cover the monument need apply only for scheduled monument consent. The application is made to Scottish Ministers, and the relevant parts of the listed buildings legislation do not apply. Where planning permission for development work is sought in respect of a building which is both scheduled and listed the planning authority must still consider whether it will affect the listed building's setting. If it thinks it would, it must advertise the application. The relationship between the scheduled monument consent and planning system is set out in Annex 6.

ANNEX 9: LISTED BUILDING CONSENT AND PLANNING PERMISSION

1. Listed building consent and planning permission are two quite separate statutory requirements governed by different laws which serve different purposes. Both are required where development defined in section 26 of the Town and 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.
2. The purpose and objectives of the planning system are set out in SPP. Following from that, paragraph 113 of Scottish Planning Policy confirms that the preservation of listed buildings and their setting is a material consideration in both the development planning and development management processes.

ANNEX 10: AMENDED MEANING OF 'MONUMENT' UNDER THE 1979 ACT

1. Section 61(7)(d) of the 1979 Act extends the range of monuments that can be designated under the 1979 Act to “any site comprising any thing, or group of things, that evidences previous human activity”.
2. This provision allows for the protection of nationally important archaeological remains which could not be described as a ‘building’, ‘structure’ or ‘work’ and which were therefore not eligible for scheduling under the 1979 Act prior to its amendment by the 2011 Act.
3. In particular this provision will allow for the scheduling of coherent groups of artefacts of national importance, commonly termed ‘artefact scatters’. The amendment is important because such artefact scatters are almost the sole surviving evidence for activity during the first 7,500 or so years of human occupation in Scotland.
4. It is anticipated that an extremely small number of nationally important sites will come under section 61(7)(d) of the 1979 Act. Provisional estimates on the basis of existing archaeological information suggest there are around 10 nationally important sites, which are currently afforded no protection under the 1979 Act, that would be scheduled as a result of this provision.
5. Examples of the possible types of artefact scatter which could be considered for scheduling as a result of the amendment are:
 - scatters of stone and flint tools and the debris from their manufacture, which mark the sites of some of the earliest evidence for human occupation in Scotland;
 - nationally important archaeological deposits not associated with other physical remains of a settlement or structures. An example would be midden material rich in artefactual and palaeoenvironmental evidence, especially shell middens, which again are often the only remains of some of the earliest evidence for human occupation in Scotland;
 - debris from metal working indicative of a significant industrial site of early or later medieval date; or
 - later medieval pottery indicative of a kiln or other significant pottery production site.

It is important to stress that the remains must form a coherent entity or group to be of national importance.

6. This would exclude, for example:
- an area which had produced a range of chronologically and functionally diverse artefacts as a result of ploughing or metal detecting, which inhibits characterisation or definition of the importance of the site; or
 - palaeoenvironmental deposits within a waterlogged area or peat bog, which may contain information relating to human impact on the landscape but are primarily of natural formation.

ANNEX 11: THE ‘CERTIFICATE OF INTENTION NOT TO LIST’ PROCESS

1. Section 5A of the 1997 Act allows Scottish Ministers to issue a certificate stating that they do not intend to list a building.
2. A certificate of intention not to list is a certificate which will guarantee that a building will not be listed during the five years from the date of the issue of the certificate. Anyone can apply for a certificate and there is no fee.
3. If a certificate is issued a planning authority cannot serve a Building Preservation Notice on the property during the five year period from the date of issue of the certificate.
4. Where consideration of a case leads to the conclusion that a building should be listed, a new list entry will be created in the normal way and a certificate will not be issued.

The application and assessment process

5. The certificate of intention not to list process will be handled by Historic Scotland on behalf of Scottish Ministers and processed the same way as an application for listing. Applicants must complete a specific application form (available from Historic Scotland) and all applications for a certificate will be assessed against the listing criteria set out in Annex 2 of the SHEP (criteria for determining whether a building is of special or historic interest for listing).
6. If a building is found to support a case for listing, Historic Scotland will consult the relevant local authority about a listing proposal or an amendment to the list. Historic Scotland will normally also consult with such other persons or bodies as appear as having specialist knowledge of or interest in buildings of architectural or historical interest. In addition, they will normally consult with the owner of the property. However, Historic Scotland will not seek comments on applications for a certificate of intention not to list unless the building in question meets the listing criteria and Historic Scotland is minded to list the property.
7. Local authorities and owners (if not the applicant) shall be notified in writing at the same time a certificate is issued.

Timescales

8. Historic Scotland will seek to reach a decision on applications for a certificate of intention not to list within 8 weeks. Decisions to grant a certificate will be made as quickly as possible where the building concerned clearly does not meet the criteria for listing.

9. Likewise, where it looks likely that a building might well meet the listing criteria the aim is to issue a rejection of an application for a certificate within the same 8 week period. Thereafter, as the process for a building to be entered on the statutory list involves more detailed preparation and consultation, an actual listing entry will take longer to materialise. But the applicant will have been provided with the certainty which is sought.
10. This timescale is an indicator of best practice rather than a requirement due to the possible constraints of a site, notably:
 - the complexity of the site/subject;
 - time needed to get *sufficient* access to the site if more than one owner; and
 - the time taken to get access to specialist material, advice or opinion, as required.

Additional Information

11. Historic Scotland shall maintain a publicly researchable register of buildings that have been granted a certificate of intention not to list.
12. Historic Scotland will apply the test of reasonableness to any request. Any unduly sizeable request will result in a careful discussion with the owner and will be completed in stages if appropriate.
13. Historic Scotland will not issue expiry notifications for certificates of intention not to list. This provision aims to harmonise with planning legislation in which planning authorities do not issue expiry notifications for planning permission or listed building consent.
14. Certificates do not secure immunity from the designation of a conservation area. Even if a certificate is granted, consent will still be required for the demolition of a building if it is in a conservation area (see Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997).
15. For sites comprising of more than one building, some buildings may be listed and others granted a certificate.
16. Where a certificate has already been issued it will be possible to apply for another certificate before the five years of the original certificate has expired. Any such application will be subject to the same assessment procedure as new applications. It cannot be assumed that a certificate will be issued automatically in such cases since the circumstances may have changed since the issue of the original certificate particularly if there is new evidence about the building.

**HISTORIC ENVIRONMENT SCOTLAND MANAGING
CHANGE IN THE HISTORIC ENVIRONMENT GUIDANCE
NOTE ON MICRO-RENEWABLES**



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MANAGING CHANGE IN THE HISTORIC ENVIRONMENT

Micro-renewables





Above: A small scale wind turbine in a domestic setting in Shetland. The small scale of the turbine allows it to fit unobtrusively into the surrounding landscape.
© Pete Bevington/www.shetnews.co.uk

Cover image: Micro-renewables have been incorporated sensitively at category A listed Morgan Academy, Dundee. An example of photovoltaic panels located discreetly on hidden parts of the roof. The panels power a ground and air-source heat system.

MANAGING CHANGE IS A
SERIES OF NON-STATUTORY
GUIDANCE NOTES ABOUT
MANAGING CHANGE IN THE
HISTORIC ENVIRONMENT.
THEY EXPLAIN HOW TO APPLY
GOVERNMENT POLICIES.

The aim of the series is to identify the main issues which can arise in different situations, to advise how best to deal with these, and to offer further sources of information. They are also intended to inform planning policies and the determination of applications relating to the historic environment.

INTRODUCTION

This note sets out the principles that apply to the use of micro-renewable technologies in historic buildings and sites. More detailed guidance and sources of information can be found in Historic Environment Scotland's Short Guide *Micro-renewables in the Historic Environment (2014)*:

The use of renewable energy technology in the historic environment is supported where the character of the historic building or place can be protected through careful siting and design. These guidance notes do not recommend one type or brand of micro-renewable technology over another: the circumstances of each site need individual assessment.

KEY ISSUES

1. Before considering micro-renewables, the energy efficiency of the building should be addressed through building maintenance, equipment upgrades and improvements to the fabric of the building.
2. Listed building consent is required for any works affecting the character of a listed building, and planning permission may be required in a conservation area. Prior to undertaking works you should ask your local planning authority if any consents are required. Scheduled monument consent is required for works to scheduled monuments.
3. Micro-renewable installations should be planned carefully to minimise intervention affecting historic character while balancing the potential of available renewable energy sources.
4. Many historic buildings or sites lend themselves well to some form of micro-renewable energy generation. Different types of micro-renewable technology suit different locations, and sometimes more than one type can be used in combination.
5. Community energy schemes that allow a renewable energy system to be used by a number of buildings or a local community can be highly successful.

1. WHAT ARE ‘MICRO-RENEWABLES’?

In this context, ‘renewables’ are replenishable zero- or low-carbon energy technologies, in contrast to fossil fuels, which are finite energy sources. Renewable energy sources include: solar, wind, hydro, thermal (ground, water, air), biomass and combined heat and power.

‘Micro-renewables’ are small-scale non-commercial renewables commonly using systems of up to 50kW in power.

Blackhouses at Gearrannan, Isle of Lewis, refurbished for self-catering holiday and hostel accommodation. Three ground-source pumps totalling 51kW output were installed at one central location to service seven cottages. The effect on the character of the buildings is minimal. © Crown Copyright Historic Environment Scotland. Licensor canmore.org.uk



2. UNDERSTANDING THE SIGNIFICANCE OF HISTORIC BUILDINGS

Many historic buildings or places are suited to some form of micro-renewable energy generation. For buildings, the key is to establish at the outset the specific significance of the building, as well as the relative significance of its component parts. The renewables system should be carefully chosen to respect the building's historic character and significance.

The character and significance of a historic building can include factors such as original purpose, style, elevations, profile, materials and detailing, and where appropriate can be evaluated by a conservation statement or plan. A conservation statement identifies the cultural and historic significance of a property, while a conservation plan also includes a strategy for the management and conservation of the property. The size and complexity of the building or site, along with the level of intervention proposed, will help determine whether a conservation statement or plan is required before work is undertaken. Each approach aims to identify the more significant elements or spaces, where intervention demands greatest sensitivity. More information is available in Historic Environment Scotland's [*A Guide to the Preparation of Conservation Plans:*](#)

3. REDUCING ENERGY DEMAND

Energy-saving measures and improvements to the building fabric are generally the most cost-effective means of reducing energy loss and lowering the carbon footprint. These should therefore be addressed before micro-renewable installations are planned. Improved insulation, draught prevention and upgrading existing heating and lighting systems can retain a building's character and ensure that traditional buildings are comfortable, functional structures that contribute positively to the environment for many years to come.

Guidance on fabric improvements to traditional buildings to increase thermal comfort and energy efficiency are provided in Historic Environment Scotland's conservation publications, including the Short Guide [*Fabric Improvements for Energy Efficiency in Traditional Buildings:*](#)

A full list of references is provided at the end of this document.



Sheep's wool insulation installed in a loft space which will help to reduce energy demand and improve thermal comfort.

4. IMPACT ON THE HISTORIC ENVIRONMENT

Renewable energy systems will often have some visual or physical impact on the building or site they serve. It is important to minimise this impact to maintain the character and significance of the historic asset, whether it is a building, archaeological site, garden or designed landscape.

When renewable systems subsequently become obsolete, it should be possible to remove them without causing harm to the building or site, or exposing unnecessary damage caused by installation.

It is sometimes difficult to balance the priorities of maximising energy efficiency and protecting a historic building or site's appearance and integrity. This means that each case has to be assessed individually on its own merits.

The following should be considered when thinking about installing any micro-renewable system:

- Where possible, installations on a building should avoid its main and visible elevations. For instance, it may be possible to place installations on secondary parts of the building, adjacent outbuildings or on the ground nearby.
- Renewables may have a visual impact beyond that of a single building or site; entire streetscapes or landscapes may be affected. In such cases the setting of a site should be carefully assessed.

Consideration of a communal system may avoid unnecessary cumulative effects of multiple single installations.

- Physical impacts include those affecting structural, archaeological, fabric and environmental aspects of the site. During installation, it may be necessary to alter or remove historic building fabric, which can include attaching frames or fixtures to roofs, passing pipes and wires over facades and through the building interiors, and integrating pumps, boilers and storage tanks into existing conventional systems. Any intervention to historic fabric should be minimised and undertaken only after careful analysis and design of the system.
- Installation of renewable systems can damage or destroy archaeological deposits. Ground-breaking works for elements such as pipes and foundations need to be carefully planned to avoid disturbing known archaeological deposits and monitored to ensure unknown archaeology is not being damaged during installation.
- Issues such as vibrations, emissions and noise during the system's use also have the potential to disturb or impact on the building or site.
- It may be necessary to devise access to the systems for fuel delivery (biomass systems), repair and maintenance.

- The installation and use of a micro-renewable system or energy efficiency measures may affect the fabric of a historic building in terms of airtightness, breathability, ventilation and condensation. Historic buildings were often constructed of materials that require a degree of ventilation and breathability to perform to their best ability. This should be taken into account when identifying the most appropriate energy solutions.

Dod Mill, a category B listed former corn mill in the Scottish Borders, where a waterwheel was re-introduced to power a pump for a ground-source heat system. The historic mill pond, cauld (weir), lade and wooden launder (trough) were all re-used to drive the new wheel.'



5. TYPES OF RENEWABLE ENERGY SOURCES

The renewable system(s) chosen should be the most suitable for the historic site while also improving energy efficiency and delivering carbon and cost savings.

Two or more different energy sources or technologies can operate together to maximise energy use: for example, solar photovoltaic panels might power a heat pump; or conventional systems might be used in parallel where that can improve energy efficiency. Each micro-renewable technology has specific site requirements, and not all equipment is suitable in every case.

Solar power

Solar power systems require solar collectors or panels. For maximum efficiency, they need to face south, in an unshaded area.

Solar collectors can be installed on pitched or flat roofs, or may be integrated into the roof so that they are flush with its surface. Collectors are also available as tiles, which can mimic slate and be integrated within the roof. For the integrity of the building, it is usually desirable to mount panels over existing slates, rather than replace historic fabric with look-alike materials. However, look-alike materials may be considered when a roof is in need of replacement and the historic building fabric will not be inappropriately altered. Removal of solar collectors may also require minor roof works to replace any slates that were removed when the panels were installed.

Installation of solar panels on the principal elevation of a historic building should be avoided because of the detrimental visual impact. Therefore, if historic buildings face south, their main roof slopes may be inappropriate as locations for solar panels. Alternative solutions should be explored, such as installation on secondary roof slopes, on locations hidden from main views, or on surrounding areas such as sheds, gardens or fields. Panels have been successfully installed behind parapet walls or on the south-facing inside rise of M-shaped roofs.

Solar systems installed on roofs can be heavy, and an appropriate survey should be carried out to determine the structural impact and safety of such systems. It is important to consider archaeological resources if ground disturbance is necessary to connect cables to free-standing collectors.

The Energy Savings Trust has created a [*solar energy calculator*](#) to help calculate the potential energy that solar panels will generate in a specific location:

Wind power

Wind turbines are either building-mounted or free-standing. Free-standing mast-mounted turbines require fewer works to a historic building and can generate power from a nearby location. An understanding of the setting of the historic building, streetscape or landscape is paramount in deciding on the appropriate positioning of a turbine. For advice on this, see the [*setting guidance*](#) in this Managing Change series.



Above and below: Part of a block of seven Category B listed early 19th century tenements in use by a housing association at Lauriston Place in Edinburgh. Part of a block of seven Category B listed early 19th century tenements in use by a housing association at Lauriston Place in Edinburgh. As part of the Renewable Heritage Project, led by Changeworks in partnership with Lister Housing

Co-operative and Edinburgh World Heritage, solar water-heating panels have been fitted to the inner south-facing slopes of the valley roofs to provide 50% of the hot water requirements of all the occupants. The new panels are not visible from the ground, or in views from higher vantage points. Energy conservation measures, such as secondary glazing, are also in place.



Where a building's structure permits the added weight and vibration, turbines can be mounted discretely, for instance on flat roofs or gables. However, generally, these turbines are unlikely to perform well as such locations tend to receive weak and irregular winds. The visual impact on the building also needs to be appraised: turbines can break the building profile, and the movement of the blades can also have an adverse visual impact.

Hydropower

Hydro systems use the kinetic energy of flowing water to turn a turbine, producing electricity for a site or for export to the National Grid. In most systems, water is piped to a turbine which drives a generator to produce electricity. Such systems can be very successful, robust and long lasting. However, they often require considerable construction works, and it is important to minimise impact on the historic environment by careful selection of sites, equipment, design and routing of pipes and cables.

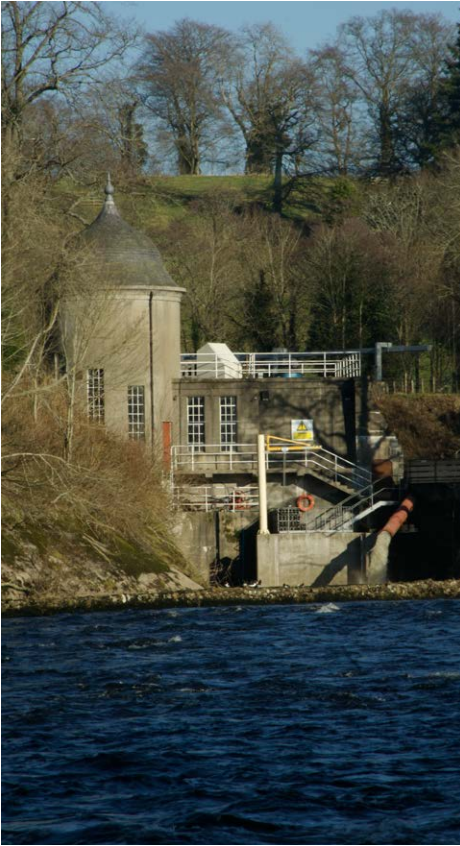
There has been increasing interest in re-using redundant mill lades and historic hydro schemes, including historic weirs, turbines and waterwheels. Recording and retention of any historic mechanism is recommended. Further information on hydro schemes can be found at [here](#).

Before considering the re-use of a historic cauld/weir or dam it may be necessary to consult with the Scottish Environment Protection Agency (SEPA) regarding potential requirements for consent relating to fish migration and other environmental issues. Further information can be found on [SEPA's website](#).

New hydro systems should be designed with regard to physical impact on historic buildings, archaeology and setting.



Category C listed Westray Parish Church in Orkney became self-sufficient in energy with a 6kW wind turbine, ground-source heat pump and back-up diesel generator. The turbine is far enough (80m) from the building to avoid turbulence. © Ease Archaeology



The category B listed 1921 turbine house at Stanley Mills, Perth & Kinross, refurbished as part of a new hydro-electricity scheme to supply power to the grid. At 840kW the scheme is significantly larger than the standard micro-renewable development, but it demonstrates the potential for re-use of an existing hydro site.

Heat pumps

Heat pump systems provide energy by moving heat from one place to another. Heat at lower temperatures is collected from the air, ground or water and is raised using compression techniques to provide a more usable, constant heat for a building. These systems are often best used with underfloor heating. Their efficiency can be severely reduced as temperatures drop, so there may still be some reliance on traditional systems for heat.

Ground-source heat pumps (GSHPs) tend to achieve higher efficiency but require long lengths or coils of pipe in either a trench or vertical borehole. This means careful attention has to be given to potential damage to archaeology. Water-source heat pumps are less common but can be as efficient as ground-source heat pumps, provided the water source does not freeze. Air-source heat pumps are also available; these require internal and external units and therefore need to be located as unobtrusively as possible.

All heat pump systems require careful design to minimise impacts to the historic environment. Pipework and pump equipment (often in one or two units, some indoors, some outdoors) need to be carefully located to avoid both physical and visual impacts. Underfloor heating often requires setting heating coils in a concrete floor slab, which can damage historic floors or archaeology.

Because of the damage that trenches and boreholes can cause, where archaeological sites are known to be present or likely, a different form of renewable energy system may be more appropriate, or an archaeological watching brief may be necessary to monitor the works. The local authority archaeology service will be able to provide advice.

Biomass

Small-scale biomass developments are based predominantly on wood fuel products. These products are carbon neutral because they absorb carbon when alive before releasing it when burned, and trees can of course be re-planted. The system requires a boiler or stove, storage, pipework, chimneys/flues, perhaps a boiler house

and other variables such as delivery access. The full system for a biomass development will require careful planning and it may be possible to integrate it into existing buildings. Particular care should be given to the location of chimneys/flues and the fuel storage facility to ensure the system is unobtrusive and avoids visual impacts.



Fuel store for a biomass boiler serving category B listed Kincardine Castle, Aberdeenshire. This small storage facility is refilled from a larger shed located further away. This storage shed has been built discreetly behind a timber dog kennel.

6. RENEWABLES AT A COMMUNITY SCALE

Community energy schemes allow a renewable energy system to be used by a number of buildings or a local community and can be highly successful and cost-effective. District energy makes use of a number of energy sources to provide heating, hot water and electricity to many users. Schemes can use combined heat and power (CHP), biomass, energy from waste, heat pumps, wind turbines and hydropower, as well as fossil fuels.

Benefits of district schemes include increased efficiency through diversification of peak load times and economies of scale, and reduced susceptibility to future changes in energy availability and cost. In addition, district energy may be less intrusive to historic buildings or sites as the amount of on-site equipment is typically less than for a system on an individual site.

For further information visit the [Community Energy Scotland website](#) or the [UK District Energy Association website](#).

7. CUMULATIVE EFFECTS

Local authorities should consider the potential incremental and cumulative effects of micro-renewable development on the historic environment. They may consider it appropriate to produce specific policies or guidance for significant groups of historic buildings or places.

The district energy combined heat and power (CHP) in Falkirk produces 3,093MWh of electricity, which is distributed to the National Grid. The re-captured heat is enough to heat six high-rise towers and the category A listed Callendar House.



8. ARCHAEOLOGY

Archaeological resources may survive within or beneath a historic building or place. Planning authorities should seek to manage archaeological issues such as recording or preservation in situ.



Installation of a ground-source heat pump (GSHP) at Assynt Church, Inchnadamph (Category B-listed). The coils for the system were installed in trenches behind the church. © LDN Architects

9. CONSENTS

You may require planning permission, building warrant(s) and other permissions or consents for any proposed scheme. The granting of scheduled monument consent or listed building consent does not negate this requirement, and you should contact your planning authority for advice.

Listed building consent

Listed building consent is required for any work to a listed building which will affect its character (see the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). The planning authority is the main point of contact for all applications for listed building consent. They decide whether consent is required, and they can also offer advice on applications.

The planning authority will consider applications using guidance such as Historic Environment Scotland's managing change guidance notes and other national policy documents including SHEP, SPP and their own policies.

Scheduled monument consent

Scheduled monument consent is required for any works to a monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. Scheduled monument consent is determined by Historic Environment Scotland. We offer a free pre-application discussion and checking service for scheduled monument consent applications. You can find out more about this on our [website](#).

10. FURTHER INFORMATION AND ADVICE

Historic Environment Scotland is charged with ensuring that our historic environment provides a strong foundation in building a successful future for Scotland. One of its roles is to provide advice about managing change in the historic environment.

Legislation and policy

[Building \(Scotland\) Act 2003](#)

[Planning \(Listed Buildings and Conservation Areas\) \(Scotland\) Act 1997](#)

[Ancient Monuments and Archaeological Areas Act 1979](#)

[Scottish Planning Policy \(2014\)](#)

[Scottish Historic Environment Policy \(2011\)](#)

Other selected Historic Environment Scotland publications and links

All publications are available at Historic Environment Scotland's [Technical Conservation website](#):

[Inform Guide: Energy Efficiency in Traditional Homes \(2011\)](#)

[Maintaining Your Home: A Short Guide for Homeowners \(2007\)](#)

[Short Guide – Fabric Improvements for Energy Efficiency in Traditional Buildings \(2012\)](#)

[Short Guide – Micro-renewables in the Historic Environment \(2014\)](#)

[The Energy House \(computer based interactive tool, 2012\)](#)

[Managing Change in the Historic Environment Guidance Notes](#)

Other selected publications and links

[CADW, Renewable Energy and your Historic Building – Installing Micro-Generation Systems: A Guide to Best Practice](#)

[Changeworks, Renewable Heritage](#)

[Historic England, Saving Energy and Generating Energy](#)

[National Trust, Green Energy Building Design Guides guides](#)

Selected contacts

[Carbon Trust: Tools, Guides and Reports](#)

[Centre for Alternative Technology](#)

[Community Energy Scotland](#)

[Energy Saving Trust](#)

[EFFESUS, Energy Efficiency for EU Historic District's Sustainability](#)

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SCOTTISH PLANNING POLICY



Scottish Planning Policy

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Scottish Planning Policy

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Planning Series

The Scottish Government series of Planning and Architecture documents are material considerations in the planning system.

Planning and Architecture Policy



Planning and Design Advice and Guidance



Further information is available at: www.scotland.gov.uk/planning

This SPP replaces SPP (2010) and Designing Places (2001)

statutory

non-statutory

Scottish Planning Policy (SPP)

Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development¹ and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to [sustainable development](#). Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

¹ The Planning (Scotland) Act 2006 extends the definition of development to include marine fish farms out to 12 nautical miles.

iv. The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework](#) (NPF)², which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)³, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)⁴, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)⁵, which contain policy on the implementation of legislation or procedures.

v. The SPP should be read and applied as a whole. Where 'must' is used it reflects a legislative requirement to take action. Where 'should' is used it reflects Scottish Ministers' expectations of an efficient and effective planning system. The Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development. The key documents referred to provide contextual background or more detailed advice and guidance. Unless otherwise stated, reference to Strategic Development Plans (SDP) covers Local Development Plans outwith SDP areas. The SPP does not restate policy and guidance set out elsewhere. A [glossary](#) of terms is included at the end of this document.

2 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

3 www.scotland.gov.uk/Publications/2013/06/9811/0

4 www.scotland.gov.uk/Publications/2010/03/22120652/0

5 www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars

Introduction

The Planning System

1. The planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing [sustainable economic growth](#).
2. Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
3. Further information and guidance on planning in Scotland is available at www.scotland.gov.uk/planning⁶. An explanation of the planning system can be found in [A Guide to the Planning System in Scotland](#)⁷.

Core Values of the Planning Service

4. Scottish Ministers expect the planning service to perform to a high standard and to pursue continuous improvement. The service should:
 - focus on outcomes, maximising benefits and balancing competing interests;
 - play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;
 - be plan-led, with plans being up-to-date and relevant;
 - make decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system;
 - be inclusive, engaging all interests as early and effectively as possible;
 - be proportionate, only imposing conditions and obligations where necessary; and
 - uphold the law and enforce the terms of decisions made.

People Make the System Work

5. The primary responsibility for the operation of the planning system lies with strategic development planning authorities, and local and national park authorities. However, all those involved with the system have a responsibility to engage and work together constructively and proportionately to achieve quality places for Scotland. This includes the Scottish Government and its agencies, public bodies, statutory consultees, elected members, communities, the general public, developers, applicants, agents, interest groups and representative organisations.

⁶ www.scotland.gov.uk/Topics/built-environment/planning

⁷ www.scotland.gov.uk/Publications/2009/08/11133705/0

6. Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate. Innovative approaches, tailored to the unique circumstances are encouraged, for example charrettes or mediation initiatives. Support or concern expressed on matters material to planning should be given careful consideration in developing plans and proposals and in determining planning applications. Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process.

7. Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, when development proposals are being formed and when applications for planning permission are made. Individuals and **community** groups should ensure that they focus on planning issues and use available opportunities for engaging constructively with developers and planning authorities.

8. Further information can be found in the following:

- [Town and Country Planning \(Scotland\) Act 1997](#)⁸ as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 6/2013: Development Planning](#)⁹
- [Circular 3/2013: Development Management Procedures](#)¹⁰
- [The Standards Commission for Scotland: Guidance on the Councillors' Code of Conduct](#)¹¹
- [Planning Advice Note 3/2010: Community Engagement](#)¹²
- [A Guide to the Use of Mediation in the Planning System in Scotland \(2009\)](#)¹³

Outcomes: How Planning Makes a Difference

9. The Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth is set out in the Government Economic Strategy. The aim is to ensure that the entire public sector is fully aligned to deliver the Purpose. The relationship of planning to the Purpose is shown on page 8.

10. The Scottish Government's [16 national outcomes](#)¹⁴ articulate in more detail how the Purpose is to be achieved. Planning is broad in scope and cross cutting in nature and therefore contributes to the achievement of all of the national outcomes. The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both the SPP and NPF3.

8 www.legislation.gov.uk/ukpga/1997/8/contents

9 www.scotland.gov.uk/Publications/2013/12/9924/0

10 www.scotland.gov.uk/Publications/2013/12/9882/0

11 www.standardscommissionscotland.org.uk/webfm_send/279

12 www.scotland.gov.uk/Publications/2010/08/30094454/0

13 www.scotland.gov.uk/Publications/2009/03/10154116/0

14 www.scotland.gov.uk/About/Performance/scotPerforms/outcome

11. NPF3 and this SPP share a single vision for the planning system in Scotland:

We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.

12. At the strategic and local level, planning can make a very important contribution to the delivery of [Single Outcome Agreements](#)¹⁵, through their shared focus on ‘place’. Effective integration between land use planning and community planning is crucial and development plans should reflect close working with [Community Planning Partnerships](#)¹⁶.

13. The following four planning outcomes explain how planning should support the vision. The outcomes are consistent across the NPF and SPP and focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. For planning to make a positive difference, development plans and new development need to contribute to achieving these outcomes.

Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

14. NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and island areas.

15. The SPP sets out how this should be delivered on the ground. By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Planning therefore has an important role in promoting strong, resilient and inclusive communities. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

16. Good planning creates opportunities for people to contribute to a growing, adaptable and productive economy. By allocating sites and creating places that are attractive to growing economic sectors, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation, creating employment and benefiting related businesses.

Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change.

¹⁵ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012

¹⁶ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP

17. NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. The spatial strategy as a whole aims to reduce greenhouse gas emissions and facilitate **adaptation** to climate change.

18. The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation. Section 44 of the Act places a duty on every public body to act:

- in the way best calculated to contribute to the delivery of emissions targets in the Act;
- in the way best calculated to help deliver the Scottish Government’s climate change adaptation programme; and
- in a way that it considers is most sustainable.

19. The SPP sets out how this should be delivered on the ground. By seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change. Planning can also influence people’s choices to reduce the environmental impacts of consumption and production, particularly through energy efficiency and the reduction of waste.

Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

20. NPF3 emphasises the importance of our environment as part of our cultural identity, an essential contributor to well-being and an economic opportunity. Our spatial strategy aims to build resilience and promotes protection and sustainable use of our world-class environmental assets.

21. The SPP sets out how this should be delivered on the ground. By protecting and making efficient use of Scotland’s existing resources and environmental assets, planning can help us to live within our environmental limits and to pass on healthy ecosystems to future generations. Planning can help to manage and improve the condition of our assets, supporting communities in realising their aspirations for their environment and facilitating their access to enjoyment of it. By enhancing our surroundings, planning can help make Scotland a uniquely attractive place to work, visit and invest and therefore support the generation of jobs, income and wider economic benefits.

Outcome 4: A more connected place – supporting better transport and digital connectivity.

22. NPF3 reflects our continuing investment in infrastructure, to strengthen transport links within Scotland and to the rest of the world. Improved digital connections will also play a key role in helping to deliver our spatial strategy for sustainable growth.

23. The SPP sets out how this should be delivered on the ground. By aligning development more closely with transport and digital infrastructure, planning can improve sustainability and connectivity. Improved connections facilitate accessibility within and between places – within Scotland and beyond – and support economic growth and an inclusive society.

SG Purpose	To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.											
SG National Outcomes	The planning system and service contribute to all 16 National Outcomes											
SG National Plans, Policies & Strategies	Government Economic Strategy											
	Infrastructure Investment Plan											
	Scotland's Digital Future	Electricity & Heat Generation Policy Statements	2020 Challenge for Scotland's Biodiversity	Scottish Historic Environment Strategy and Policy	Housing Strategy	National Planning Framework & Scottish Planning Policy	Land Use Strategy	Low Carbon Scotland: Report of Proposals and Policies	National Marine Plan	Regeneration Strategy	National Transport Strategy	
Planning Vision	We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.											
Planning Outcomes	Planning makes Scotland a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed places.			Planning makes Scotland a low carbon place – reducing our carbon emissions and adapting to climate change.			Planning makes Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.			Planning makes Scotland a connected place – supporting better transport and digital connectivity.		
National Planning	Scottish Planning Policy (SPP)											
	Principal Policies											
	Sustainability											
	Placemaking											
	Subject Policies											
	Town Centres	Heat and Electricity	Natural Environment	Green Infrastructure	Travel	Zero Waste	Aquacultural	Minerals	Flooding & Drainage	Digital Connectivity	National Planning Framework (NPF)	
	Rural Development											
	Homes											
	Business & Employment	Zero Waste		Digital Connectivity		Cities and Towns		Rural Areas		Coast and Islands		
	Historic Environment	Zero Waste		Digital Connectivity		National Developments						
	COMMUNITY PLANNING											
Strategic	Strategic Development Plans											
Local	Local Development Plans											
Site	Master Plans											

Principal Policies

Sustainability

NPF and wider policy context

24. 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**.

25. The Scottish Government's commitment to the concept of **sustainable development** is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

26. The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

27. The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

Policy Principles

This SPP introduces a presumption in favour of development that contributes to sustainable development.

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Key Documents

- [National Planning Framework](#)¹⁷
- [Government Economic Strategy](#)¹⁸
- [Planning Reform: Next Steps](#)¹⁹
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁰
- [UK’s Shared Framework for Sustainable Development](#)²¹

Delivery

Development Planning

30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of development that contributes to sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

¹⁷ www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

¹⁸ www.scotland.gov.uk/Publications/2011/09/13091128/0

¹⁹ www.scotland.gov.uk/Publications/2012/03/3467

²⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

²¹ <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

31. Action programmes should be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term.

Development Management

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

33. Where relevant policies in a development plan are out-of-date²² or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

34. Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

35. To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

²² Development plans or their policies should not be considered out-of-date solely on the grounds that they were adopted prior to the publication of this SPP. However, the policies in the SPP will be a material consideration which should be taken into account when determining applications.

Placemaking

NPF and wider policy context

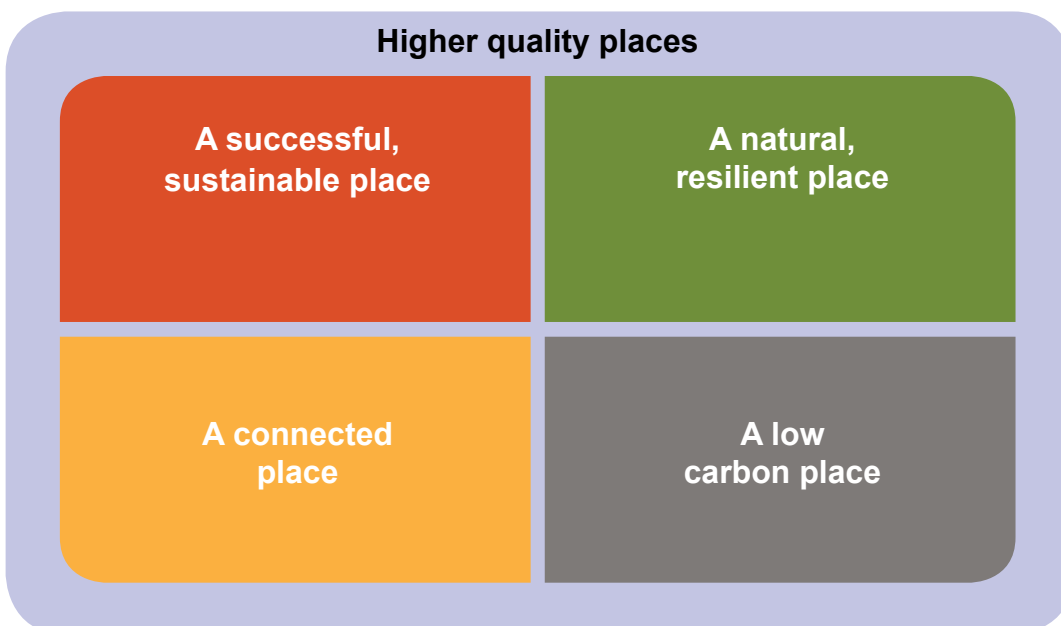
36. Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

37. The Government’s policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland’s communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland’s distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

Policy Principles

Planning should take every opportunity to create high quality places by taking a design-led approach.

38. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:



39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

Planning should direct the right development to the right place.

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- ***Distinctive***

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

- **Welcoming**

43. This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- **Adaptable**

44. This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- **Resource Efficient**

45. This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- **Easy to Move Around and Beyond**

46. This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

Key Documents

- [National Planning Framework](#)²³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁴
- [Creating Places –A Policy Statement on Architecture and Place for Scotland](#)²⁵
- [Designing Streets](#)²⁶
- [Planning Advice Note 77: Designing Safer Places](#)²⁷
- [Green Infrastructure: Design and Placemaking](#)²⁸

23 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

24 www.scotland.gov.uk/Publications/2011/03/17091927/0

25 www.scotland.gov.uk/Publications/2013/06/9811/0

26 www.scotland.gov.uk/Publications/2010/03/22120652/0

27 www.scotland.gov.uk/Publications/2006/03/08094923/0

28 www.scotland.gov.uk/Publications/2011/11/04140525/0

Delivery

47. Planning should adopt a consistent and relevant approach to the assessment of design and place quality such as that set out in the forthcoming Scottish Government Place Standard.

Development Planning

48. Strategic and local development plans should be based on spatial strategies that are deliverable, taking into account the scale and type of development pressure and the need for growth and regeneration. An urban capacity study, which assesses the scope for development within settlement boundaries, may usefully inform the spatial strategy, and local authorities should make use of land assembly, including the use of [compulsory purchase powers](#)²⁹ where appropriate. Early discussion should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner.

49. For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

50. In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.

51. The spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should show the detailed boundary of any green belt, giving consideration to:

- excluding existing settlements and major educational and research uses, major businesses and industrial operations, airports and Ministry of Defence establishments;
- the need for development in smaller settlements within the green belt, where appropriate leaving room for expansion;
- redirecting development pressure to more suitable locations; and
- establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads³⁰. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

52. Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

²⁹ www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

³⁰ Note: where a main road forms a green belt boundary, any proposed new accesses would still require to meet the usual criteria.

- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

53. The creation of a new settlement may occasionally be a necessary part of a spatial strategy, where it is justified either by the scale and nature of the housing land requirement and the existence of major constraints to the further growth of existing settlements, or by its essential role in promoting regeneration or rural development.

54. Where a development plan spatial strategy indicates that a new settlement is appropriate, it should specify its scale and location, and supporting infrastructure requirements, particularly where these are integral to the viability and deliverability of the proposed development. Supplementary guidance can address more detailed issues such as design and delivery.

55. Local development plans should contribute to high-quality places by setting out how they will embed a design-led approach. This should include:

- reference to the six qualities of successful places which enable consideration of each place as distinctly different from other places and which should be evident in all development;
- using processes that harness and utilise the knowledge of communities and encourage active participation to deliver places with local integrity and relevance; and
- specifying when design tools, such as those at paragraph 57 should be used.

Development Management

56. Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

Tools for Making Better Places

57. Design tools guide the quality of development in and across places to promote positive change. They can help to provide certainty for stakeholders as a contribution to sustainable economic growth. Whichever tools are appropriate to the task, they should focus on delivering the six qualities of successful places and could be adopted as supplementary guidance.

Subject Policies

A Successful, Sustainable Place

Promoting Town Centres

NPF and wider context

58. NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Much of Scotland's population lives and works in towns, within city regions, in our rural areas and on our coasts and islands. Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

59. The town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

Policy Principles

60. Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy³³ when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

Key Documents

- [National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres](#)³⁴
- [Town Centre Action Plan – the Scottish Government response](#)³⁵
- [Planning Advice Note 59: Improving Town Centres](#)³⁶
- [Planning Advice Note 52: Planning and Small Towns](#)³⁷

33 A town centre first policy is intended to support town centres, where these exist, or new centres which are supported by the development plan. Where there are no town centres in the vicinity, for example in more remote rural and island areas, the expectation is that local centres will be supported. The town centre first policy is not intended to divert essential services and developments away from such rural areas. See section on Rural Development.

34 www.scotland.gov.uk/Resource/0042/00426972.pdf

35 www.scotland.gov.uk/Publications/2013/11/6415

36 www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59

37 www.scotland.gov.uk/Publications/1997/04/pan52

- [Town Centres Masterplanning Toolkit](#)³⁸

Development Plans

61. Plans should identify a network of centres and explain how they can complement each other. The network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy. Emerging or new centres designated within key new developments or land releases should also be shown within the network of centres. In remoter rural and island areas, it may not be necessary to identify a network.

62. Plans should identify as town centres those centres which display:

- a diverse mix of uses, including shopping;
- a high level of accessibility;
- qualities of character and identity which create a sense of place and further the well-being of communities;
- wider economic and social activity during the day and in the evening; and
- integration with residential areas.

63. Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods.

64. Local authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check. Annex A sets out a range of indicators which may be relevant. The purpose of a health check is to assess a town centre's strengths, vitality and viability, weaknesses and resilience. It will be used to inform development plans and decisions on planning applications. Health checks should be regularly updated, to monitor town centre performance, preferably every two years.

65. Local authorities, working with partners, should use the findings of the health check to develop a strategy to deliver improvements to the town centre. Annex A contains guidance on key elements in their preparation.

66. The spatial elements of town centre strategies should be included in the development plan or supplementary guidance. Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check. Plans should assess how centres can accommodate development and identify opportunities.

67. There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.

³⁸ <http://creatingplacescotland.org/people-communities/policy/town-centre-masterplanning-toolkit#overlay-context=people-communities/policy>

68. Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

69. Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.

Development Management

70. Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above. New development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

71. Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Where a new public building or office with a gross floorspace over 2,500m² is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out. Where a retail and leisure development with a gross floorspace over 2,500m² is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.

72. This analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. Where possible, authorities and developers should agree the data required and present information on areas of dispute in a succinct and comparable form. Planning authorities should consider the potential economic impact of development and take into account any possible displacement effect.

73. Out-of-centre locations should only be considered for uses which generate significant footfall³⁹ where:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;

³⁹ As noted at paragraph 69, a flexible approach is required for community, education and healthcare facilities.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

Promoting Rural Development

NPF Context

74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

Policy Principles

75. The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁴⁰
- National Marine Plan

Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

78. In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

⁴⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

79. Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

80. Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on [prime agricultural land](#), or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

81. In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

82. In some most pressured areas, the designation of green belts may be appropriate.

83. In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;

- include provision for small-scale housing⁴¹ and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

National Parks

84. National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- promote sustainable economic and social development of the area's communities.

85. These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park.

86. Development plans for National Parks are expected to be consistent with the National Park Plan, which sets out the management strategy for the Park. The authority preparing a development plan for a National Park, or which affects a National Park, is required to pay special attention to the desirability of consistency with the National Park Plan, having regard to the contents.

Coastal Planning

87. The planning system should support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Terrestrial planning by planning authorities overlaps with marine planning in the intertidal zone. On the terrestrial side, mainland planning authorities should work closely with neighbouring authorities, taking account of the needs of port authorities and aquaculture, where appropriate. On the marine side, planning authorities will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, Regional Marine Plans, and Integrated Coastal Zone Management, as well as aquaculture.

Development Plans

88. Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and island areas, and that a precautionary approach to flood risk should be taken. They should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to

⁴¹ including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self build; holiday homes; new build or conversion linked to rural business.

avoid development in areas at risk. Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.

89. Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development. It should be explained that this broad division does not exclude important local variations, for example where there are areas of environmental importance within developed estuaries, or necessary developments within the largely unspoiled coast where there is a specific locational need, for example for defence purposes, tourism developments of special significance, or essential onshore developments connected with offshore energy projects or (where appropriate) aquaculture.

90. Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments.

91. Plans should safeguard unspoiled sections of coast which possess special environmental or cultural qualities, such as wild land. The economic value of these areas should be considered and maximised, provided that environmental impact issues can be satisfactorily addressed.

Supporting Business and Employment

NPF Context

92. NPF3 supports the many and varied opportunities for planning to support business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

Policy Principles

93. The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

Key Documents

- [Government Economic Strategy](#)⁴²

⁴² www.scotland.gov.uk/Topics/Economy/EconomicStrategy

- [Tourism Development Framework for Scotland](#)⁴³
- [A Guide to Development Viability](#)⁴⁴

Delivery

Development Planning

94. Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

95. Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

96. Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

97. Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

98. Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)⁴⁵, [Enterprise Areas](#)⁴⁶, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

99. Strategic development plans and local development plans outwith SDP areas should identify any nationally important clusters of industries [handling hazardous substances](#) within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009⁴⁷ to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

100. Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

43 www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

44 www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf

45 www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

46 www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas

47 These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

101. Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

102. Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

103. New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

104. Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.

105. Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans. This may include new developments or the enhancement of existing facilities.

Development Management

106. Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings. Decisions should be guided by the principles set out in paragraphs 28 to 35.

107. Proposals for development in the vicinity of [major-accident hazard sites](#) should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice, based on the [PADHI](#) tool. Similar considerations apply in respect of development proposals near licensed explosive sites (including military explosive storage sites).

108. Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

Enabling Delivery of New Homes

NPF Context

109. NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

Policy Principles

110. The planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Key Documents

- [The Housing \(Scotland\) Act 2001](#)⁴⁸ requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand
- [Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)⁴⁹

Delivery

111. Local authorities should identify functional housing market areas, i.e. geographical areas where the demand for housing is relatively self-contained. These areas may significantly overlap and will rarely coincide with local authority boundaries. They can be dynamic and complex, and can contain different tiers of sub-market area, overlain by mobile demand, particularly in city regions.

112. Planning for housing should be undertaken through joint working by housing market partnerships, involving both housing and planning officials within local authorities, and cooperation between authorities where strategic planning responsibilities and/or housing market areas are shared, including national park authorities. Registered social landlords, developers, other specialist interests, and local communities should also be encouraged to engage with housing market partnerships. In rural or island areas where there is no functional housing market area, the development plan should set out the most appropriate approach for the area.

48 www.legislation.gov.uk/asp/2001/10/contents

49 www.scotland.gov.uk/Publications/2010/08/31111624/0

Development Planning

113. Plans should be informed by a robust housing need and demand assessment (HNDA), prepared in line with the Scottish Government’s HNDA Guidance⁵⁰. This assessment provides part of the evidence base to inform both local housing strategies and development plans (including the main issues report). It should produce results both at the level of the functional housing market area and at local authority level, and cover all tenures. Where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.

114. The HNDA, development plan, and local housing strategy processes should be closely aligned, with joint working between housing and planning teams. Local authorities may wish to wait until the strategic development plan is approved in city regions, and the local development plan adopted elsewhere, before finalising the local housing strategy, to ensure that any modifications to the plans can be reflected in local housing strategies, and in local development plans in the city regions.

115. Plans should address the supply of land for all housing. They should set out the **housing supply target** (separated into affordable and market sector) for each functional housing market area, based on evidence from the HNDA. The housing supply target is a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks. The target should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. The authority’s housing supply target should also be reflected in the local housing strategy.

116. Within the overall housing supply target⁵¹, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

117. The housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development. Any assessment of the expected contribution to the housing land requirement from **windfall sites** must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends. In urban areas this should be informed by an urban capacity study.

118. Strategic development plans should set out the **housing supply target** and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. Beyond year 12 and up to year 20, the strategic development plan should provide an indication of the possible scale and location of housing land, including by local development plan area.

⁵⁰ www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda

⁵¹ Note: the housing supply target may in some cases include a contribution from other forms of delivery, for example a programme to bring empty properties back into use.

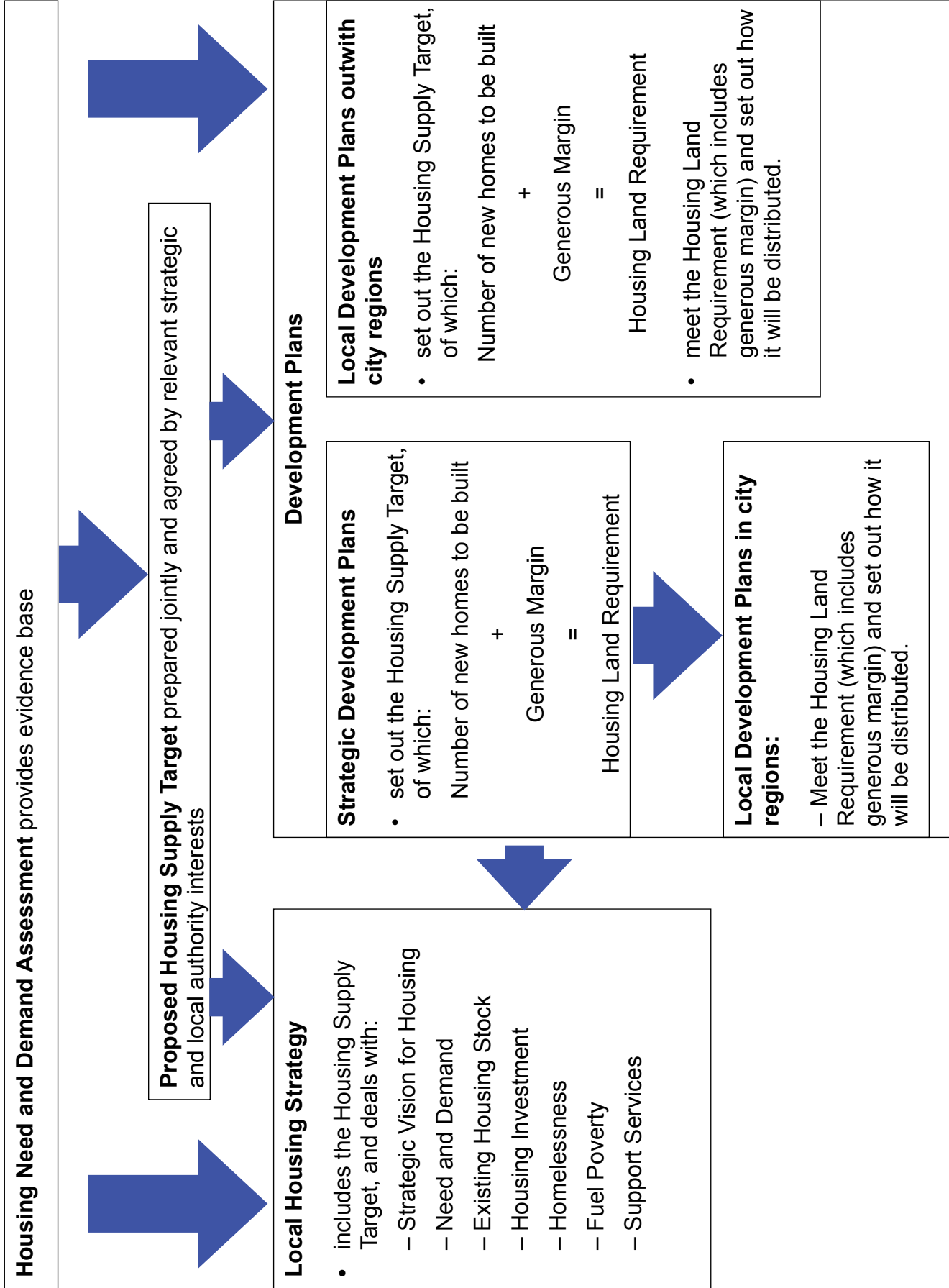
119. Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

120. Outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.

121. In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the constituent housing authorities. National Park authorities should aim to meet the housing land requirement in full in their area. However, they are not required to do so, and they should liaise closely with neighbouring planning authorities to ensure that any remaining part of the housing land requirement for the National Parks is met in immediately adjoining housing market areas, and that a 5-year supply of effective land is maintained.

122. Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing.

Diagram 1: Housing Land, Development Planning and the Local Housing Strategy



Maintaining a 5-year Effective Land Supply

123. Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints⁵² and can be developed for housing. In remoter rural areas and island communities, where the housing land requirement and market activity are of a more limited scale, the housing land audit process may be adapted to suit local circumstances.

124. The development plan action programme, prepared in tandem with the plan, should set out the key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool, and should be used alongside the housing land audit to help planning authorities manage the land supply.

125. Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

Affordable Housing

126. Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.

127. Where the housing supply target requires provision for affordable housing, strategic development plans should state how much of the total housing land requirement this represents.

128. Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.

129. Plans should identify any expected developer contributions towards delivery of affordable housing. Where a contribution is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy. Where permission is sought for specialist housing, as described in paragraphs 132-134, a contribution to affordable housing may not always be required.

⁵² Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites www.scotland.gov.uk/Publications/2010/08/31111624/5

130. Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work together closely to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing across the range of tenures. In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a 'rural exceptions' policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.

131. Any detailed policies on how the affordable housing requirement is expected to be delivered, including any differences in approach for urban and rural areas, should be set out in supplementary guidance. Where it is considered that housing built to meet an identified need for affordable housing should remain available to meet such needs in perpetuity, supplementary guidance should set out the measures to achieve this. Any specific requirements on design may also be addressed in supplementary guidance.

Specialist Housing Provision and Other Specific Needs

132. As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

133. HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

134. Local development plans should address any need for houses in multiple occupation (HMO). More information is provided in Circular 2/2012 Houses in Multiple Occupation⁵³. Planning authorities should also consider the housing requirements of service personnel and sites for people seeking self-build plots. Where authorities believe it appropriate to allocate suitable sites for self-build plots, the sites may contribute to meeting the housing land requirement.

⁵³ www.scotland.gov.uk/Publications/2012/06/4191

Valuing the Historic Environment

NPF and wider policy context

135. NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

136. The [historic environment](#) is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

Policy Principles

137. The planning system should:

- promote the care and protection of the designated and non-designated historic environment (including individual assets, related [settings](#) and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

Key Documents

- [Scottish Historic Environment Policy](#)⁵⁴
- [Historic Environment Strategy for Scotland](#)⁵⁵
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)⁵⁶
- [Planning Advice Note 2/2011: Planning and Archaeology](#)⁵⁷
- [Planning Advice Note 71: Conservation Area Management](#)⁵⁸
- [Scottish Historic Environment Databases](#)⁵⁹

⁵⁴ www.historic-scotland.gov.uk/index/heritage/policy/shep.htm

⁵⁵ www.scotland.gov.uk/Publications/2014/03/8522

⁵⁶ www.historic-scotland.gov.uk/managingchange

⁵⁷ www.scotland.gov.uk/Publications/2011/08/04132003/0

⁵⁸ www.scotland.gov.uk/Publications/2004/12/20450/49052

⁵⁹ <http://smrforum-scotland.org.uk/wp-content/uploads/2014/03/SHED-Strategy-Final-April-2014.pdf>

Delivery

Development Planning

138. Strategic development plans should protect and promote their significant historic environment assets. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

139. Local development plans and supplementary guidance should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. Local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

Development Management

140. The siting and design of development should take account of all aspects of the historic environment. In support of this, planning authorities should 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.

Listed Buildings

141. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. 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. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

142. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Conservation Areas

143. Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

144. Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders⁶⁰ can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

⁶⁰ www.scotland.gov.uk/Publications/2011/01/28152314/0

Scheduled Monuments

145. Where there is potential for a proposed development to have an adverse effect on a [scheduled monument](#) or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development.

Historic Marine Protected Areas

146. Where planning control extends offshore, planning authorities should ensure that development will not significantly hinder the preservation objectives of [Historic Marine Protected Areas](#).

World Heritage Sites

147. World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its [Outstanding Universal Value](#).

Gardens and Designed Landscapes

148. Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.

Battlefields

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

Archaeology and Other Historic Environment Assets

150. Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource 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 obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.

151. There is also a range of non-designated historic assets and areas of historical interest, including 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.

A Low Carbon Place

Delivering Heat and Electricity

NPF Context

152. NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the [Scottish Government's Report on Proposals and Policies](#)⁶¹. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore. Spatial priorities range from extending heat networks in our cities and towns to realising the potential for renewable energy generation in our coastal and island areas.

153. Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the [National Renewables Infrastructure Plan](#)⁶². Communities can also gain new opportunities from increased local ownership and associated benefits.

Policy Principles

154. The planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets⁶³, including deriving:
 - 30% of overall energy demand from renewable sources by 2020;
 - 11% of heat demand from renewable sources by 2020; and
 - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
 - Energy efficiency;
 - Heat recovery;
 - Efficient energy supply and storage;

61 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

62 www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

63 Further targets may be set in due course, for example district heating targets have been proposed.

- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

Key Documents

- [Electricity Generation Policy Statement](#)⁶⁴
- [2020 Routemap for Renewable Energy in Scotland](#)⁶⁵
- [Towards Decarbonising Heat: Maximising the opportunities for Scotland, Draft Heat Generation Policy Statement](#)⁶⁶
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)⁶⁷

Delivery

Development Planning

155. Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and **cumulative impact** considerations.

156. Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks. They should address cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy.

157. Local development plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169.

Heat

158. Local development plans should use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply. Heat supply sources include harvestable woodlands, sawmills producing biomass, biogas production sites and developments producing unused excess heat, as well as geothermal systems, heat recoverable from mine waters, aquifers, other bodies of water and heat storage systems. Heat demand sites for particular consideration include high density developments, communities off the gas grid, fuel poor areas and **anchor developments** such as hospitals, schools, leisure centres and heat intensive industry.

159. Local development plans should support the development of heat networks in as many locations as possible, even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future. Local development plans should identify where heat networks, heat storage and **energy centres** exist or would be appropriate and include policies to support their implementation. Policies should support

64 www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain

65 www.scotland.gov.uk/Publications/2011/08/04110353/0

66 www.scotland.gov.uk/Publications/2014/03/2778

67 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

safeguarding of piperuns within developments for later connection and pipework to the curtilage of development. Policies should also give consideration to the provision of energy centres within new development. Where a district network exists, or is planned, or in areas identified as appropriate for district heating, policies may include a requirement for new development to include infrastructure for connection, providing the option to use heat from the network.

160. Where heat networks are not viable, microgeneration and heat recovery technologies associated with individual properties should be encouraged.

Onshore Wind

161. Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1. Development plans should indicate the minimum scale⁶⁸ of onshore wind development that their spatial framework is intended to apply to. Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.

162. Both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity with constituent planning authorities.

163. The approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and [cumulative impacts](#) (see paragraph 169).

164. Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

165. Grid capacity should not be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms. It is for wind farm developers to discuss connections to the grid with the relevant transmission network operator. Consideration should be given to underground grid connections where possible.

166. Proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being prepared and updated. Moratoria on onshore wind development are not appropriate.

⁶⁸ For example, Loch Lomond and The Trossachs and Cairngorms National Parks refer to developments of more than one turbine and over 30 metres in height as large-scale commercial wind turbines.

Table 1: Spatial Frameworks

<p>Group 1: Areas where wind farms will not be acceptable:</p> <p>National Parks and National Scenic Areas.</p>		
<p>Group 2: Areas of significant protection:</p> <p>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p>National and international designations:</p> <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. 	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. 	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
<p>Group 3: Areas with potential for wind farm development:</p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

Other Renewable Electricity Generating Technologies and Storage

167. Development plans should identify areas capable of accommodating renewable electricity projects in addition to wind generation, including hydro-electricity generation related to river or tidal flows or energy storage projects of a range of scales.

168. Development plans should identify areas which are weakly connected or unconnected to the national electricity network and facilitate development of decentralised and mobile energy storage installations. Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity between constituent planning authorities.

Development Management

169. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- **cumulative impacts** – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;

- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

170. Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

171. Proposals for energy generation from non-renewable sources may be acceptable where carbon capture and storage or other emissions reduction infrastructure is either already in place or committed within the development's lifetime and proposals must ensure protection of good environmental standards.

172. Where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

Community Benefit

173. Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#)⁶⁹.

Existing Wind Farm Sites

174. Proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.

Planning for Zero Waste

NPF and Wider Context

175. NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment.

Policy Principles

176. The planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

69 www.scotland.gov.uk/Publications/2013/11/8279

Key Documents

- [EU revised Waste Framework Directive](#)⁷⁰ (2008/98/EC)
- [Waste \(Scotland\) Regulations 2012](#)⁷¹: a statutory framework to maximise the quantity and quality of materials available for recycling and minimise the need for residual waste infrastructure;
- [Zero Waste Plan](#)⁷² and accompanying regulations and supporting documents;
- Safeguarding Scotland's Resources: A blueprint for a more resource efficient and circular economy;
- [Circular 6/2013 Development Planning](#)⁷³;
- SEPA waste data sources: including [Waste Data Digests](#)⁷⁴ and [Waste Infrastructure Maps](#)⁷⁵;
- [SEPA Thermal Treatment of Waste Guidelines 2013](#)⁷⁶;
- [Waste capacity tables](#)⁷⁷ (formerly Zero Waste Plan Annex B capacity tables)

Delivery

177. Planning authorities and SEPA should work collaboratively to achieve zero waste objectives, having regard to the Zero Waste Plan, through development plans and development management. A revised version of PAN 63: Planning and Waste Management will be published in due course.

Development Planning

178. Plans should give effect to the aims of the Zero Waste Plan and promote the waste hierarchy.

179. For new developments, including industrial, commercial, and residential, plans should promote resource efficiency and the minimisation of waste during construction and operation.

180. Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate.

181. Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity. However, this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management.

70 <http://ec.europa.eu/environment/waste/framework/revision.htm>

71 www.legislation.gov.uk/sdsi/2012/9780111016657/contents

72 www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy

73 www.scotland.gov.uk/Publications/2013/12/9924/0

74 www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx

75 www.sepa.org.uk/waste/waste_infrastructure_maps.aspx

76 www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx

77 www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb

182. The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.

183. Any sites identified specifically for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat. Paragraphs 158 to 160 set out policy on heat networks and mapping.

184. Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.

185. Strategic development plans and local development plans outwith city regions should set out spatial strategies which make provision for new infrastructure, indicating clearly that it can generally be accommodated on land designated for employment, industrial or storage and distribution uses.

186. Local development plans should identify appropriate locations for new infrastructure, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution. Updated Scottish Government planning advice on identifying sites and assessing their suitability will be provided in due course.

187. Local development plans should identify where masterplans or development briefs will be required to guide the development of waste installations for major sites.

Development Management

188. In determining applications for new installations, authorities should take full account of the policy set out at paragraph 176. Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

189. SEPA's Thermal Treatment of Waste Guidelines 2013 and addendum sets out policy on thermal treatment plants.

190. All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.

191. Planning authorities should consider the need for buffer zones between dwellings or other **sensitive receptors** and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

192. Planning authorities should:

- consider requiring the preparation of site waste management plans for construction sites;
- secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities; and
- ensure that landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.

A Natural, Resilient Place

Valuing the Natural Environment

NPF Context

193. The natural environment forms the foundation of the spatial strategy set out in NPF3. The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

Policy Principles

194. The planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for **biodiversity** from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about the natural environment.

Key Documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁷⁸
- [The 2020 Challenge for Scotland’s Biodiversity](#)⁷⁹
- [European Landscape Convention](#)⁸⁰
- [Nature Conservation \(Scotland\) Act 2004](#)⁸¹
- [The Conservation \(Natural Habitats etc\) Regulations](#)⁸²
- [The Wildlife and Countryside Act 1981](#)⁸³

⁷⁸ www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy

⁷⁹ www.scotland.gov.uk/Publications/2013/06/5538

⁸⁰ www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp

⁸¹ www.legislation.gov.uk/asp/2004/6/contents

⁸² www.legislation.gov.uk/uksi/1994/2716/contents/made

⁸³ www.legislation.gov.uk/ukpga/1981/69

- [EU Birds Directive – 2009/147/EC](#)⁸⁴
- [EU Habitats Directive – 92/43/EEC](#)⁸⁵
- [Ramsar Convention on Wetlands of International Importance](#)⁸⁶
- [National Parks \(Scotland\) Act 2000](#)⁸⁷
- [River Basin Management Plans](#)⁸⁸

Delivery

195. Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of **biodiversity**. This duty must be reflected in development plans and development management decisions. They also have a duty under the Water Environment and Water Services (Scotland) Act 2003 to protect and improve Scotland's water environment. The Scottish Government expects public bodies to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.

Development Plans

196. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. Buffer zones should not be established around areas designated for their natural heritage importance. Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations.

197. Planning authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value:

- the purpose of areas of local landscape value should be to:
 - safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
 - promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
 - safeguard and promote important local settings for outdoor recreation and tourism.
- local nature conservation sites should seek to accommodate the following factors:
 - species diversity, species or habitat rarity, naturalness and extent of habitat;
 - contribution to national and local **biodiversity** objectives;
 - potential contribution to the protection or enhancement of connectivity between habitats or the development of **green networks**; and
 - potential to facilitate enjoyment and understanding of natural heritage.

84 ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm

85 ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

86 www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0

87 www.legislation.gov.uk/asp/2000/10/contents

88 www.sepa.org.uk/water/river_basin_planning.aspx

198. Local nature conservation sites designated for their geodiversity should be selected for their value for scientific study and education, their historical significance and cultural and aesthetic value, and for their potential to promote public awareness and enjoyment.

199. Plans should address the potential effects of development on the natural environment, including proposals for [major-accident hazard sites](#) and the cumulative effects of incremental changes. They should consider the natural and cultural components together, and promote opportunities for the enhancement of degraded landscapes, particularly where this helps to restore or strengthen the natural processes which underpin the well-being and resilience of communities.

200. Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.

201. Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change. Forestry Commission Scotland's [Native Woodland Survey of Scotland](#)⁸⁹ provides information and guidance. Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits. Scottish Government advice on planning for forestry and woodlands is set out in [The Right Tree in the Right Place](#)⁹⁰.

Development Management

202. The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

203. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

204. Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

205. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

89 www.forestry.gov.uk/nwss

90 [www.forestry.gov.uk/pdf/fcfc129.pdf/\\$file/fcfc129.pdf](http://www.forestry.gov.uk/pdf/fcfc129.pdf/$file/fcfc129.pdf)

206. Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species.

International Designations

Natura 2000 Sites

207. Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

208. A derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

209. If an authority wishes to use this derogation, Scottish Ministers must be notified. For sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

210. Authorities should afford the same level of protection to proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated.

Ramsar Sites

211. All [Ramsar sites](#) are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

National Designations

212. Development that affects a National Park, [National Scenic Area](#), [Site of Special Scientific Interest](#) or a [National Nature Reserve](#) should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

213. Planning decisions for development within National Parks must be consistent with paragraphs 84-85.

Protected Species

214. The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

Areas of Wild Land

215. In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

Woodland

216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. [Tree Preservation Orders](#)⁹¹ can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

217. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

218. The Scottish Government's [Control of Woodland Removal Policy](#)⁹² includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

91 www.scotland.gov.uk/Publications/2011/01/28152314/0

92 www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf

Maximising the Benefits of Green Infrastructure

NPF Context

219. NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. [Green infrastructure](#) and improved access to [open space](#) can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.

Policy Principles

220. Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

221. The planning system should:

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;
- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

Key Documents

- [Green Infrastructure: Design and Placemaking](#)⁹³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁹⁴
- [Planning Advice Note 65: Planning and Open Space](#)⁹⁵
- [Reaching Higher – Scotland’s National Strategy for Sport](#)⁹⁶
- [The Play Strategy for Scotland and Action Plan](#)⁹⁷
- [Let’s Get Scotland Walking: The National Walking Strategy](#)⁹⁸

Delivery

Development Planning

222. Development plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure. They should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure’s multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, [biodiversity](#), forestry and woodland, river basins, flood management, coastal zones and the marine environment.

93 www.scotland.gov.uk/Publications/2011/11/04140525/0

94 www.scotland.gov.uk/Publications/2011/03/17091927/0

95 www.scotland.gov.uk/Publications/2008/05/30100623/0

96 www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21

97 www.scotland.gov.uk/Publications/2013/10/9424

98 www.scotland.gov.uk/Publications/2014/06/5743

Plans should promote consistency with these and reflect their priorities and spatial implications.

223. Strategic development plans should safeguard existing strategic or regionally important assets and identify strategic priorities for green infrastructure addressing cross-boundary needs and opportunities.

224. Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

225. Local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. They should do this through a design-led approach, applying standards which facilitate appropriate provision, addressing deficits or surpluses within the local context. The standards delivered through a design-led approach should result in a proposal that is appropriate to place, including connections to other green infrastructure assets. Supplementary guidance or master plans may be used to achieve this.

226. Local development plans should identify sites for new indoor or outdoor sports, recreation or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document. They should provide for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand. [Outdoor sports facilities](#) should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see paragraph 224) and consultation with **sportscotland** show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

227. Local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. Plans should also encourage opportunities for a range of community growing spaces.

228. Local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

229. Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development.

Development Management

230. Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes.

231. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality.

232. In the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

233. Proposals that affect regional and country parks must have regard to their statutory purpose of providing recreational access to the countryside close to centres of population, and should take account of their wider objectives as set out in their management plans and strategies.

Promoting Responsible Extraction of Resources

NPF Context

234. Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.

Policy Principles

235. The planning system should:

- recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security;
- safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
- minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
- secure the sustainable restoration of sites to beneficial afteruse after working has ceased.

Key Documents

- [Electricity Generation Policy Statement](#)⁹⁹
- [Management of Extractive Waste \(Scotland\) Regulations 2010](#)¹⁰⁰
- [PAN 50: Controlling the Environmental Effects of Surface Mineral Workings](#)¹⁰¹
- [Planning Advice Note 64: Reclamation of Surface Mineral Workings](#)¹⁰²
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)¹⁰³
- [Circular 34/1996: Environment Act 1995 Section 96](#)¹⁰⁴

Delivery

Development Planning

236. Strategic development plans should ensure that adequate supplies of construction aggregates can be made available from within the plan area to meet the likely development needs of the city region over the plan period.

237. Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on local communities, individual houses, [sensitive receptors](#) and economic sectors important to the local economy;
- benefits to the local and national economy;
- [cumulative impact](#) with other mineral and landfill sites in the area;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts, including cumulative effects;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

238. Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Such areas can be promoted by developers or landowners as part of the plan preparation process or by planning authorities where they wish to guide development to particular areas. As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.

99 www.scotland.gov.uk/Publications/2013/06/5757

100 www.legislation.gov.uk/ssi/2010/60/contents/made

101 www.scotland.gov.uk/Publications/1996/10/17729/23424

102 www.scotland.gov.uk/Publications/2003/01/16122/16256

103 www.scotland.gov.uk/Publications/2003/01/16204/17030

104 www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance

239. Local development plans should identify areas of search where surface coal extraction is most likely to be acceptable during the plan period and set out the preferred programme for the development of other safeguarded areas beyond the plan period, with particular emphasis on protecting local communities from significant cumulative impacts. Where possible, plans should secure extraction prior to permanent development above workable coal reserves.

240. For areas covered by a Petroleum Exploration and Development Licence (PEDL), local development plans should also:

- identify licence areas;
- encourage operators to be as clear as possible about the minimum and maximum extent of operations (e.g. number of wells and duration) at the exploration phase whilst recognising that the factors to be addressed by applications should be relevant and proportionate to the appropriate exploration, appraisal and production phases of operations;
- confirm that applicants should engage with local communities, residents and other stakeholders at each stage of operations, beginning in advance of any application for planning permission and in advance of any operations;
- ensure that when developing proposals, applicants should consider, where possible, transport of the end product by pipeline, rail or water rather than road; and
- provide a consistent approach to extraction where licences extend across local authority boundaries.

241. Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

Development Management

242. Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. This should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided.

243. Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project and appropriate reclamation measures are in place.

244. Consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction. Site boundaries within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, small-scale prior extraction or the stabilisation of mining legacy, justify a lesser distance. Non-engineering works and mitigation measures within 500 metres may be acceptable.

245. To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction. The assessment can, where appropriate, be undertaken as part of any environmental impact assessment and should also be developed in consultation with statutory consultees and local communities so that it informs the design of the proposal. The assessment should clearly identify those onsite activities (i.e. emission of pollutants, the creation and disposal of waste) that pose a potential risk using a source–pathway–receptor model and explain how measures, including those under environmental and other legislation, will be used to monitor, manage and mitigate any identified risks to health, amenity and the environment. The evidence from, and outcome of, the assessment should lead to buffer zones being proposed in the application which will protect all **sensitive receptors** from unacceptable risks. When considering applications, planning authorities and statutory consultees must assess the distances proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused.

246. Conditions should be drafted in a way which ensures that hydraulic fracturing does not take place where permission for such operations is not sought and that any subsequent application to do so is subject to appropriate consultation. If such operations are subsequently proposed, they should, as a matter of planning policy, be regarded as a substantial change in the description of the development for which planning permission is sought or a material variation to the existing planning permission. Where PEDL and Underground Coal licences are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of extraction.

247. The Scottish Government is currently exploring a range of options relating to the effective regulation of surface coal mining. This is likely to result in further guidance on effective restoration measures in due course. In the meantime, planning authorities should, through planning conditions and legal agreements, continue to ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. A range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site-by-site basis. All solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms. In the aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.

248. Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards. Conditions should not impose undue restrictions on consents at quarries for building or roofing stone to reflect the likely intermittent or low rate of working at such sites.

Supporting Aquaculture

NPF Context

249. Aquaculture makes a significant contribution to the Scottish economy, particularly for coastal and island communities. Planning can help facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends. Planning can play a role in supporting the sectoral growth targets to grow marine finfish (including farmed Atlantic salmon) production sustainably to 210,000 tonnes; and shellfish, particularly mussels, sustainably to 13,000 tonnes with due regard to the marine environment by 2020.

Policy Principles

250. The planning system should:

- play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;
- guide development to coastal locations that best suit industry needs with due regard to the marine environment;
- maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

Key Documents

- National Marine Plan

Delivery

Development Planning

251. Local development plans should make positive provision for aquaculture developments. Plans, or supplementary guidance, should take account of Marine Scotland's locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:

- impacts on, and benefits for, local communities;
- economic benefits of the sustainable development of the aquaculture industry;
- landscape, seascape and visual impact;
- biological carrying capacity;
- effects on coastal and marine species (including wild salmonids) and habitats;
- impacts on the historic environment and the sea or loch bed;
- interaction with other users of the marine environment (including commercial fisheries, Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
- cumulative effects on all of the above factors.

Development Management

252. Applications should be supported, where necessary, by sufficient information to demonstrate:

- operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place; and
- the siting and design of cages, lines and associated facilities are appropriate for the location. This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

253. Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

Managing Flood Risk and Drainage

NPF Context

254. NPF3 supports a catchment-scale approach to sustainable flood risk management. The spatial strategy aims to build the resilience of our cities and towns, encourage sustainable land management in our rural areas, and to address the long-term vulnerability of parts of our coasts and islands. Flooding can impact on people and businesses. Climate change will increase the risk of flooding in some parts of the country. Planning can play an important part in reducing the vulnerability of existing and future development to flooding.

Policy Principles

255. The planning system should promote:

- a precautionary approach to **flood risk** from all sources, including coastal, water course (fluvial), surface water (**pluvial**), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- **flood** avoidance: by safeguarding flood storage and conveying capacity, and locating development away from **functional flood plains** and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

256. To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

257. Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.

Key Documents

- [Flood Risk Management \(Scotland\) Act 2009](#)¹⁰⁵
- Updated Planning Advice Note on Flooding
- [Delivering Sustainable Flood Risk Management](#)¹⁰⁶ (Scottish Government, 2011).
- [Surface Water Management Planning Guidance](#)¹⁰⁷ (Scottish Government, 2013).

Delivery

258. Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

259. Developers should take into account flood risk and the ability of future occupiers to insure development before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property.

Development Planning

260. Plans should use [strategic flood risk assessment](#) (SFRA) to inform choices about the location of development and policies for flood risk management. They should have regard to the flood maps prepared by Scottish Environment Protection Agency (SEPA), and take account of finalised and approved Flood Risk Management Strategies and Plans and River Basin Management Plans.

261. Strategic and local development plans should address any significant cross boundary flooding issues. This may include identifying major areas of the [flood plain](#) and storage capacity which should be protected from inappropriate development, major flood protection scheme requirements or proposals, and relevant drainage capacity issues.

262. Local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management, managed coastal realignment, [washland](#) or green infrastructure creation, or as part of a scheme to manage flood risk.

263. Local development plans should use the following flood risk framework to guide development. This sets out three categories of coastal and watercourse flood risk, together with guidance on surface water flooding, and the appropriate planning approach for each (the annual probabilities referred to in the framework relate to the land at the time a plan is being prepared or a planning application is made):

- **Little or No Risk** – annual probability of coastal or [watercourse](#) flooding is less than 0.1% (1:1000 years)
 - No constraints due to coastal or watercourse flooding.

105 www.legislation.gov.uk/asp/2009/6/contents

106 www.scotland.gov.uk/Publications/2011/06/15150211/0

107 <http://www.scotland.gov.uk/Publications/2013/02/7909/0>

- **Low to Medium Risk** – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years)
 - Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for **essential infrastructure** and the **most vulnerable uses**. Water resistant materials and construction may be required.
 - Generally not suitable for **civil infrastructure**. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events.
- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
 - May be suitable for:
 - residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
 - essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
 - some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
 - job-related accommodation, e.g. for caretakers or operational staff.
 - Generally not suitable for:
 - civil infrastructure and the most vulnerable uses;
 - additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
 - new caravan and camping sites.
 - Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.
 - Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Surface Water Flooding

- Infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years).
- Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas.

Development Management

264. It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the following should therefore be taken into account:

- the characteristics of the site;
- the design and use of the proposed development;
- the size of the area likely to flood;
- depth of flood water, likely flow rate and path, and rate of rise and duration;
- the vulnerability and risk of wave action for coastal sites;
- committed and existing flood protection methods: extent, standard and maintenance regime;
- the effects of climate change, including an [allowance for freeboard](#);
- surface water run-off from adjoining land;
- culverted watercourses, drains and field drainage;
- cumulative effects, especially the loss of storage capacity;
- cross-boundary effects and the need for consultation with adjacent authorities;
- effects of flood on access including by emergency services; and
- effects of flood on proposed open spaces including gardens.

265. Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.

266. The flood risk framework set out above should be applied to development management decisions. Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA's flood maps.

267. Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects.

268. Proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.

A Connected Place

Promoting Sustainable Transport and Active Travel

NPF Context

269. The spatial strategy set out in NPF3 is complemented by an ongoing programme of investment in transport infrastructure. The economy relies on efficient transport connections, within Scotland and to international markets. Planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.

Policy Principles

270. The planning system should support patterns of development which:

- optimise the use of existing infrastructure;
- reduce the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes; and
- facilitate freight movement by rail or water.

271. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.

Key Documents

- [National Transport Strategy](#)¹⁰⁸
- [Climate Change \(Scotland\) Act 2009](#)¹⁰⁹
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)¹¹⁰
- [Infrastructure Investment Plan](#)¹¹¹
- [Strategic Transport Projects Review](#)¹¹²
- [Transport Assessment Guidance](#)¹¹³
- [Development Planning and Management Transport Appraisal Guidance \(DPMTAG\)](#)¹¹⁴
- [PAN 66: Best Practice in Handling Applications Affecting Trunk Roads](#)¹¹⁵

108 www.scotland.gov.uk/Publications/2006/12/04104414/0

109 www.legislation.gov.uk/asp/2009/12/contents

110 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

111 www.scotland.gov.uk/Publications/2011/12/05141922/0

112 www.transportscotland.gov.uk/strategic-transport-projects-review

113 www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning_Reform_-_DPMTAG_-_Development_Management_DPMTAG_Ref_17_-_Transport_Assessment_Guidance_FINAL_-_June_2012.pdf

114 www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag

115 www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf

- [Design Manual for Roads and Bridges](#)¹¹⁶
- [Designing Streets](#)¹¹⁷
- [Roads for All](#)¹¹⁸
- [Cycling Action Plan in Scotland](#)¹¹⁹ (CAPS)
- [Let's Get Scotland Walking: The National Walking Strategy](#)¹²⁰
- [A More Active Scotland – Building a Legacy from the Commonwealth Games](#)¹²¹
- [Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles](#)¹²²
- [Tourism Development Framework for Scotland](#)¹²³

Delivery

Development Planning

272. Development plans should take account of the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.

273. The spatial strategies set out in plans should support development in locations that allow walkable access to local amenities and are also accessible by cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes.

274. In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity.

116 www.dft.gov.uk/ha/standards/dmr/index.htm

117 www.scotland.gov.uk/Publications/2010/03/22120652/0

118 <http://www.transportscotland.gov.uk/guides/j256264-00.htm>

116 www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013

120 www.scotland.gov.uk/Publications/2014/06/5743

121 www.scotland.gov.uk/Publications/2014/02/8239/0

122 www.transportscotland.gov.uk/report/j272736-00.htm

123 www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

275. Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made. These should be prepared in consultation with all of the parties responsible for approving and delivering the infrastructure. Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles.

276. Where public transport services required to serve a new development cannot be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate. The development plan action programme should set out how this will be delivered, and the planning authority should coordinate discussions with the public transport provider, developer, Transport Scotland where appropriate, and relevant regional transport partnerships at an early stage in the process. In rural areas the plan should be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small-scale park and ride facilities at nodes on rural bus corridors should be considered.

277. Disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans. The strategic case for a new station should emerge from a complete and robust multimodal transport appraisal in line with Scottish Transport Appraisal Guidance. Any appraisal should include consideration of making best use of current rail services; and should demonstrate that the needs of local communities, workers or visitors are sufficient to generate a high level of demand, and that there would be no adverse impact on the operation of the rail service franchise. Funding partners must be identified. Agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or planning application and it should be noted that further technical assessment and design work will be required before any proposed new station can be confirmed as viable.

278. While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance.

279. Significant travel-generating uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Development plans should indicate when a travel plan will be required to accompany a proposal for a development which will generate significant travel.

280. Along with sound choices on the location of new development, appropriate street layout and design are key to achieving the policy principles at paragraph 270. The design of all new development should follow the placemaking approach set out in this SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

281. National maximum parking standards for certain types and scales of development have been set to promote consistency (see [Annex B: Parking Policies and Standards](#)). Where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards, and where public transport provision is limited, planning authorities may set less restrictive standards. Local authorities should also take account of relevant town centre strategies when considering appropriate parking provision (see paragraphs 64-65 and [Annex A: Town Centre Health Checks and Strategies](#)).

282. When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities. Strategic freight sites should be safeguarded in development plans. Existing roadside facilities and provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail. Facilities allowing the transfer of freight from road to rail or water should also be considered.

283. Planning authorities and port operators should work together to address the planning and transport needs of ports and opportunities for rail access should be safeguarded in development plans. Planning authorities should ensure that there is appropriate road access to ferry terminals for cars and freight, and support the provision of bus and train interchange facilities.

284. Planning authorities, airport operators and other stakeholders should work together to prepare airport masterplans and address other planning and transport issues relating to airports. Relevant issues include public safety zone safeguarding, surface transport access for supplies, air freight, staff and passengers, related on- and off-site development such as transport interchanges, offices, hotels, car parks, warehousing and distribution services, and other development benefiting from good access to the airport.

285. Canals, which are scheduled monuments, should be safeguarded as assets which can contribute to sustainable economic growth through sensitive development and regeneration. Consideration should be given to planning for new uses for canals, where appropriate.

Development Management

286. Where a new development or a change of use is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential [cumulative effects](#) which need to be addressed.

287. Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Guidance is available in [Transport Assessment and Implementation: A Guide](#)¹²⁴

¹²⁴ www.scotland.gov.uk/Publications/2005/08/1792325/23264

288. Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.

289. Consideration should be given to how proposed development will contribute to fulfilling the objectives of Switched On Scotland – A Roadmap to Widespread Adoption of Plug-in Vehicles. Electric vehicle charge points should always be considered as part of any new development and provided where appropriate.

290. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

291. Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected, for example freight from extraction operations.

Supporting Digital Connectivity

NPF Context

292. NPF3 highlights the importance of our digital infrastructure, across towns and cities, and in particular our more remote rural and island areas. Our economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland.

Policy Principles

293. The planning system should support:

- development which helps deliver the Scottish Government’s commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

Key Documents

- [Scotland’s Digital Future](#)¹²⁵ and associated [Infrastructure Action Plan](#)¹²⁶
- [Scotland’s Cities: Delivering for Scotland](#)¹²⁷
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)¹²⁸

¹²⁵ www.scotland.gov.uk/Resource/Doc/981/0114237.pdf

¹²⁶ www.scotland.gov.uk/Publications/2012/01/1487

¹²⁷ www.scotland.gov.uk/Publications/2012/01/05104741/0

¹²⁸ www.scotland.gov.uk/Resource/0041/00411586.pdf

- [Planning Advice Note 62, Radio Telecommunications provides advice on siting and design](#)¹²⁹
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#)¹³⁰

Delivery

Development Planning

294. Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities.

295. Local development plans should provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. They should ensure that the following options are considered when selecting sites and designing base stations:

- mast or site sharing;
- installation on buildings or other existing structures;
- installing the smallest suitable equipment, commensurate with technological requirements;
- concealing or disguising masts, antennas, equipment housing and cable runs using design and camouflage techniques where appropriate; and
- installation of ground-based masts.

296. Local development plans should set out the matters to be addressed in planning applications for specific developments, including:

- an explanation of how the proposed equipment fits into the wider network;
- a description of the siting options (primarily for new sites) and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution;
- details of the design, including height, materials and all components of the proposal;
- details of any proposed landscaping and screen planting, where appropriate;
- an assessment of the cumulative effects of the proposed development in combination with existing equipment in the area;
- a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation¹³¹; and
- an assessment of visual impact, if relevant.

297. Policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. This should be done in consultation with service providers so that appropriate, universal and future-proofed infrastructure is installed and utilised.

¹²⁹ www.scotland.gov.uk/Publications/2001/09/pan62/pan62-

¹³⁰ www.scotland.gov.uk/Publications/2003/01/16204/17030

¹³¹ The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation 1999/519/ EC on the limitation of exposure of the general public to electromagnetic fields.

Development Management

298. Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a “not spot” – consideration should be given to the benefits of this connectivity for communities and the local economy.

299. All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account.

300. Planning authorities should not question the need for the service to be provided nor seek to prevent competition between operators. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.

Annex A – Town Centre Health Checks and Strategies

Town centre health checks should cover a range of indicators, such as:

Activities

- retailer representation and intentions (multiples and independents);
- employment;
- cultural and social activity;
- community activity;
- leisure and tourism facilities;
- resident population; and
- evening/night-time economy.

Physical environment

- space in use for the range of town centre functions and how it has changed;
- physical structure of the centre, condition and appearance including constraints and opportunities and assets;
- historic environment; and
- public realm and green infrastructure.

Property

- vacancy rates, particularly at street level in prime retail areas;
- vacant sites;
- committed developments;
- commercial yield; and
- prime rental values.

Accessibility

- pedestrian footfall;
- accessibility;
- cycling facilities and ease of movement;
- public transport infrastructure and facilities;
- parking offer; and
- signage and ease of navigation.

Community

- attitudes, perceptions and aspirations.

Town centre strategies should:

- be prepared collaboratively with community planning partners, businesses and the local community;
- recognise the changing roles of town centres and networks, and the effect of trends in consumer activity;
- establish an agreed long-term vision for the town centre;
- seek to maintain and improve accessibility to and within the town centre;
- seek to reduce the centre's environmental footprint, through, for example, the development or extension of sustainable urban drainage or district heating networks;
- identify how green infrastructure can enhance air quality, open space, landscape/settings, reduce urban heat island effects, increase capacity of drainage systems, and attenuate noise;
- indicate the potential for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre;
- promote opportunities for new development, using master planning and design, while seeking to safeguard and enhance built and natural heritage;
- consider constraints such as fragmented site ownership, unit size and funding availability, and recognise the rapidly changing nature of retail formats;
- identify actions, tools and delivery mechanisms to overcome these constraints, for example improved management, Town Teams, Business Improvement Districts or the use of [compulsory purchase powers](#)¹³²; and
- include monitoring against the baseline provided by the health check to assess the extent to which it has delivered improvements.

More detailed advice on town centre health checks and strategies can be found in the Town Centre Masterplanning Toolkit.

132 www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

Annex B – Parking Policies and Standards

Parking Restraint Policy – National Maximum Parking Standards for New Development

In order to achieve consistency in the levels of parking provision for specific types and scales of development, the following national standards have been set:

- retail (food) (Use Class 1) 1000m² and above – up to 1 space per 14m²;
- retail (non-food) (Use Class 1) 1000m² and above – up to 1 space per 20m²;
- business (Use Class 4) 2500m² and above – up to 1 space per 30m²;
- cinemas (Use Class 11a) 1000m² and above – up to 1 space per 5 seats;
- conference facilities 1000m² and above – up to 1 space per 5 seats;
- stadia 1500 seats and above – up to 1 space per 15 seats;
- leisure (other than cinemas and stadia) 1000m² and above – up to 1 space per 22m²; and
- higher and further education (non-residential elements) 2500m² and above – up to 1 space per 2 staff plus 1 space per 15 students.

Local standards should support the viability of town centres. Developers of individual sites within town centres may be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

Parking for Disabled People – Minimum Provision Standards for New Development

Specific provision should be made for parking for disabled people in addition to general provision. In retail, recreation and leisure developments, the minimum number of car parking spaces for disabled people should be:

- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces; or
- 4 spaces plus 4% in car parks with more than 200 spaces.

Employers have a duty under employment law to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks with up to 200 spaces; or
- 6 spaces plus 2% in car parks with more than 200 spaces.

Glossary

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Anchor development (in the context of heat demand)	A large scale development which has a constant high demand for heat.
Article 4 Direction	Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction.
Biodiversity	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.
Civil infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Climate change adaptation	The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.
Climate change mitigation	Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).
Cumulative impact	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.
Cumulative effects (in the context of the strategic transport network)	The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.

Ecosystems services	The benefits people obtain from ecosystems; these include provisioning services such as food, water, timber and fibre; regulating services that affect climate, floods, disease, waste and water quality; cultural services with recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis and nutrient cycling.
Effective housing land supply	The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing.
Energy Centre	A stand alone building or part of an existing or proposed building where heat or combined heat and electricity generating plant can be installed to service a district network.
Essential infrastructure (in a flood risk area for operational reasons)	Defined in SEPA guidance on vulnerability as ‘essential transport infrastructure and essential utility infrastructure which may have to be located in a flood risk area for operational reasons. This includes electricity generating stations, power stations and grid and primary sub stations, water treatments works and sewage treatment works and wind turbines’.
Flood	The temporary covering by water from any source of land not normally covered by water, but not including the overflow of a sewage system.
Flood plain	The generally flat areas adjacent to a watercourse or the sea where water flows in time of flood or would flow but for the presence of flood prevention measures. The limits of a flood plain are defined by the peak water level of an appropriate return period event. See also ‘Functional flood plain’.
Flood risk	The combination of the probability of a flood and the potential adverse consequences associated with a flood, for human health, the environment, cultural heritage and economic activity.
Freeboard allowance	A height added to the predicted level of a flood to take account of the height of waves or turbulence and uncertainty in estimating the probability of the flooding.
Functional flood plain	The areas of land where water flows in times of flood which should be safeguarded from further development because of their function as flood water storage areas. For planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year. See also ‘Washland’.
Green infrastructure	Includes the ‘green’ and ‘blue’ (water environment) features of the natural and built environments that can provide benefits without being connected. Green features include parks, woodlands, trees, play spaces, allotments, community growing spaces, outdoor sports facilities, churchyards and cemeteries, swales, hedges, verges and gardens. Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving and sustainable urban drainage systems.

Green networks	Connected areas of green infrastructure and open space that together form an integrated and multi-functional network.
Hazardous substances	Substances and quantities as currently specified in and requiring consent under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 as amended (due to be replaced in 2015 as part of the implementation of Directive 2012/18/EU).
Historic environment	Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.
Historic Marine Protected Areas	Areas designated in Scottish territorial waters (0-12 miles) under the Marine (Scotland) Act 2010 for the purpose of preserving marine historic assets of national importance.
Housing supply target	The total number of homes that will be delivered.
Hut	A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m ² ; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.
Major-accident hazard site	Site with or requiring hazardous substances consent.
Most vulnerable uses (in the context of flood risk and drainage)	Basement dwellings, isolated dwellings in sparsely populated areas, dwelling houses behind informal embankments, residential institutions such as residential care homes/prisons, nurseries, children's homes and educational establishments, caravans, mobile homes and park homes intended for permanent residential use, sites used for holiday or short-let caravans and camping, installations requiring hazardous substance consent.
National Nature Reserve (NNR)	An area considered to be of national importance for its nature conservation interests.
National Scenic Area (NSA)	An area which is nationally important for its scenic quality.
Open space	Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function. Detailed typologies of open space are included in PAN65.

<p>Outdoor sports facilities</p>	<p>Uses where sportscotland is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes ‘outdoor sports facilities’ as land used as:</p> <p>(a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch;</p> <p>(b) an outdoor athletics track;</p> <p>(c) a golf course;</p> <p>(d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and</p> <p>(e) an outdoor bowling green.</p>
<p>Outstanding Universal Value (OUV)</p>	<p>The Operational Guidelines for the Implementation of the World Heritage Convention, provided by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) states that OUV means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. The Statement of OUV is the key reference for the future effective protection and management of the World Heritage Site.</p>
<p>PADHI</p>	<p>Planning Advice for Development near Hazardous Installations, issued by the Health and Safety Executive.</p>
<p>Prime agricultural land</p>	<p>Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute).</p>
<p>Place</p>	<p>The environment in which we live; the people that inhabit these spaces; and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this.</p>
<p>Pluvial flooding</p>	<p>Flooding as a result of rainfall runoff flowing or ponding over the ground before it enters a natural (e.g. watercourse) or artificial (e.g. sewer) drainage system or when it cannot enter a drainage system (e.g. because the system is already full to capacity or the drainage inlets have a limited capacity).</p>
<p>Ramsar sites</p>	<p>Wetlands designated under the Ramsar Convention on Wetlands of International Importance.</p>
<p>Scheduled monument</p>	<p>Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is 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 and within an appropriate setting.</p>
<p>Sensitive receptor</p>	<p>Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors.</p> <p>In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.</p>

Setting	Is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.
Site of Special Scientific Interest (SSSI)	An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.
Strategic Flood Risk Assessment	Provides an overview of flood risk in the area proposed for development. An assessment involves the collection, analysis and presentation of all existing available and readily derivable information on flood risk from all sources. SFRA applies a risk-based approach to identifying land for development and can help inform development plan flood risk policy and supplementary guidance.
Strategic Transport Network	Includes the trunk road and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987.
Sustainable Economic Growth	Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.
Washland	An alternative term for the functional flood plain which carries the connotation that it floods very frequently.
Watercourse	All means of conveying water except a water main or sewer.
Windfall Sites	Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.



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www.scotland.gov.uk

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DECISION NOTICE DATED 15 MARCH 2016

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 15/0273/IC

Online Ref: 000128263-001

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013*

Mr Stewart Gemmill
61 Forsyth Street
GREENOCK
PA16 8HP

With reference to your application dated 16th October 2015 for planning permission under the above mentioned Act and Regulation for the following development:-

Installation of roof mounted solar panels (in retrospect) at

61 Forsyth Street, Greenock.

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The solar panels installed detract from the character and appearance of the existing building and the surrounding area, and fail to preserve or enhance the appearance of the Greenock West End Conservation Area.
2. The proposal does not accord with the advice contained in policies RES5 and HER1 of the Inverclyde Local Development Plan, Historic Environment Scotland's "Managing Change in the Historic Environment" guidance notes and the Scottish Historic Environment Policy which seeks to preserve the historic environment.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 15th day of March 2016

Head of Regeneration and Planning



- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 2 If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
PHOTO 1		08.02.2016
PHOTO 2		08.02.2016
100025026		08.02.2016

**NOTICE OF REVIEW FORM DATED 9 JUNE 2016 AND
SUPPORTING DOCUMENTATION**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | | |
|--|---|-----------------------------|
| 1. Can the site be viewed entirely from public land? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The Head of Legal and Administration
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY
Planning Ref: 15/0273/IC
Online Ref: 000128263-001

Stewart Gemmill
61 Forsyth Street
Greenock
Inverclyde
PA16 8HP
25/03/2016

Installation of roof-mounted solar panels (in retrospect)
Category of Application local Application Development

Dear Sir / Madam

On Wednesday, 16 March 2016, I was informed by Laura Graham of Inverclyde council that I my application for the Installation of solar panels was being refused on the following grounds:

1. The solar panels installed detract from the character and appearance of the existing building and the surrounding area, and fail to preserve or enhance the appearance of the Greenock West End Conservation Area.
2. The proposal does not accord with the advice contained in policies RES5 and HER1 of the Inverclyde Local Development Plan, Historic Environment Scotland's "Managing Change in the Historic Environment" guidance notes and the Scottish Historic Environment Policy which seeks to preserve the historic environment.

I was also informed that I could seek a review of the decision within 3 months of the notice date and that I should address my appeal to yourself.

To begin my appeal, I was aware of the difficulties of getting planning permission approved in a conservation area which is why I enquired of one Michael Martin, Senior Planner with the council to advise me on this matter.

Here is an extract from an email I sent this man dated 01/10/2015.

From: stewart gemmill [mailto:stewart.gemmill@bt.com]
Sent: 01 October 2015 10:31
To: Michael Martin
Subject: Fw: permission to install solar panels

Michael

I have checked my records and can confirm that I made payment to the council for the planning application on the 11/8/2015. Our bank statement shows the following entry:

13/08/2015 CARD PAYMENT TO INVERCLYDE COUNCIL, 202.00 GBP, RATE 1.00/GBP ON 11-08-2015 £202.00

This follows the advice you gave me on 07/08/2015, when I informed you that I was in a conservation area (61 Forsyth Street Greenock) and that I **wasn't** going to submit a planning application for solar panels if I would be wasting my time, to which you advised (after hearing I was going to position them to the rear of my property) I would not be wasting my time; that I should pay my £202 and make the submission.

**a copy of the above email can be forwarded to you upon request.*

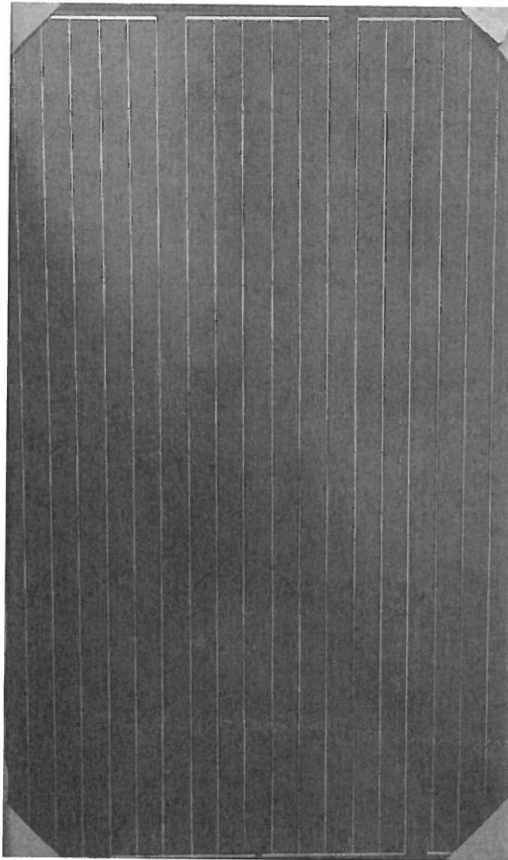
Given that Mr Martin will deal with such requests on a regular basis, why was my time and hard-earned money wasted? Regrettably, I cannot help feeling it was done to *teach us a lesson*, because we submitted our plans retrospectively. Otherwise, why didn't he just tell me at the outset that solar panels are not allowed in this conservation area – period! He knew they were there too, as he had to survey our neighbour's driveway for planning permission during this same period. Furthermore, a home owner on Eldon Street – whose solar panels are on a much more blatant display to the public than ours, was granted planning permission, and that was retrospectively too.

From refusal point 1.

The solar panels installed detract from the character and appearance of the existing building and the surrounding area...

In Mr Martin's report he adds: *....and fail to respect the design and symmetry of the neighbouring housing....*

Surely the public display of our request for planning permission is not a mere formality – but an opportunity for public opinion to count? Witness that in all the time our notice was up and in clear view for all to see, not a single resident raised an objection. Furthermore, to aid them in their decision we actually erected the solar panels into place on the roof area in question. The outcome beggars the question: what singular knowledge and opinion does Michael Martin possess that the rest of us in society lack? In the matter of whether or not our solar panels detract from the look of our building or the surrounding area, I say Mr Martin's opinion must represent such a small minority that his decision to refuse us planning permission should be overturned.



1. The proposed range of solar panels, seen with cardboard protective edging still on corners. Note, these are of the unobtrusive design i.e. with no thick aluminium borders.



2. View from Forsyth Street, no panels visible at all.



3. Side View from Finnart Street, showing only the merest glimpse of panel edging, top right.



4. View from Finnart Street, 100m out. Panel design demonstrates subtle blending.



5. View from Finnart Street, 140m out, barely noticeable.

I'd like to apply for a certificate of lawful development, if this would help my case any. I believe this would cost £75 and take 8 weeks?

Similarly, of the 6 conditions to be met under **RES1**, I believe Mr Martin can only be referring to 1 condition that would affect us.

(a) Compatibility with the character and amenity of the area;

If the actual residents of this area of the West End have no objection to us having these solar panels then where is the harm in us having them?

Finally, if it is your intension to reject our appeal, can you advise what our rights are in taking this matter further?
Thank you.

Yours sincerely

Stewart Gemmill

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The documentation contains research points that were not known to me at the time of our submitting an applications for planning permission.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

I would like to advise you that an email has been sent on 8th June at 4.22pm by Jenn McClafferty, Caseworker to Ronnie Cowan MP (jenn.scottmcclafferty@parliament.uk)
 To: devcont.planning@inverclyde.gov.uk.

The purpose of this email is to lend support to our appeal for the approval of these solar panels.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed Date 09/06/2016