



RTPI

mediation of space · making of place

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Dear Steve

CONSULTATIVE DRAFT SPP23 PLANNING AND THE HISTORIC ENVIRONMENT

The Royal Town Planning Institute (RTPI) welcomes the opportunity to respond to this consultation on the draft SPP23 which is intended to replace NPPG 5 and NPPG 18 on Archaeology and Planning, and Planning and the Historic Environment, respectively.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy-neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 2000 members in Scotland working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia. Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

Our detailed comments on the content of the SPP are set out in the Annex to this letter and a few general comments are noted below.

General comments

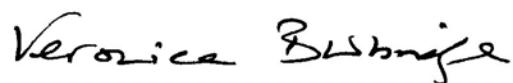
The Scottish historic environment is a key component in Scottish character of place and place-making, and indeed a key factor in defining the character and distinctiveness of Scotland and the Scottish character as they are promoted across the world. As noted in SHEP 1 the historic character is important to our quality of life, to our well-being and cultural identity.

Planners are frequently faced with issues related to the historic environment, and in particular must bear in mind its significance as a finite resource when discussions of sustainability arise. While elements of the historic environment are finite, paradoxically they are continually being added to as a consequence of the passage of time: thus it is that the role of planners is also to ensure the best quality possible in achieving new developments today, which both enhance and ensure continuity of character and which in turn will become tomorrow's heritage.

The Institute considers that there are some difficulties in attempting to merge NPPG 5 and NPPG 18 and in creating an effective statement of overarching policy. We are concerned that there may be some danger that this may lead to a weakening of policy positions found in the original documents. Given the importance of the contribution of the historic environment as noted above we consider that the opportunity should be seized to create a strong Historic Environment policy framework and it is vital that this opportunity should not be missed. We are particularly concerned that the stronger, conservation-led policies found in the original documents should be maintained.

Thank you once again for the opportunity to comment. The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification or further assistance, please do not hesitate to contact me at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL; phone: 0131 226 1959, or email: veronica.burbridge@rtpi.org.uk

Yours sincerely



Veronica Burbridge
National Director RTPI in Scotland

ANNEX 1

DETAILED COMMENTS BY THE RTPI IN SCOTLAND ON THE CONSULTATIVE DRAFT SPP23 PLANNING AND THE HISTORIC ENVIRONMENT

(Numbers relate to the paragraphs of the Consultation Document)

- 1 It would be helpful for the introduction to define the term 'historic environment. The Historic Environment is also a key resource for Scotland's wider environment.
- 2 The distinction between policy and guidance is an important one, and should not be lost sight of within the SPP.
- 3 It would be useful to have a definition of the Historic Environment earlier in the text before para 9. Rather than historic settlements, we would prefer the term **existing** settlements, and **generally** good connectivity. The last two lines of this paragraph require clarification.
- 4 To the end of the last sentence should be added **of the special cultural and natural resources**.
- 5 We would suggest some rewording to read: ... to reflect this planning guidance in their **policies, their** allocation of resources, **and in their management of their own heritage assets**. Planning authorities should **identify suitable proposals, and incorporate** suitable policies... . **They should also take care of these important resources by use of planning enforcement powers, where appropriate**.
- 6 Reference should be made to Historic Scotland's important role in advising upon grant and loan applications to Scottish Ministers.
- 7 The Institute for Historic Building Conservation could be added To the list of relevant bodies.
- 8 Advice from A+DS should also be available on the rehabilitation, repair and conversion of individual buildings or sites.To the second bullet point should be added **or gardens and /or designed landscapes**. It would be helpful to have references to material quoted (from, for example, SPP20 or a PAN) where appropriate.
- 9 We suggest some rewording as follows: to its quality and character. **This is most obviously visible in our buildings and settlements, but** we can **also** see it... .

To the list of historic environment resources should be added villages, hamlets, and buildings in the countryside. It would be helpful also to have a definition of sustainable. It is also important to say here – or indeed earlier – that the historic environment is by no means restricted to places with formal designations. Perhaps it would be helpful to put this paragraph at the start of the document.
- 12 We suggest some rewording as follows: ...such as **buildings or** archaeological remains, ...

The statement from NPPG 5 (para 25) on material considerations is preferred to the less clear phrasing here.

- 13 ... special architectural or historic interest **which** are...
- 14 The Institute considers that that roads and pavements should be included and understood as buildings, as defined, and we believe this should be amended at the first available opportunity. A more precise reference should be given – ideally with a web-link – identifying the relevant SHEPS. In addition we suggest that it should be possible to have a single form for the joint application for PP and LBC
- 15 It might be useful to consider a SHEP on Conservation Areas. In addition, it may be appropriate to reconsider use of the term ‘preserve’ in the context of Conservation Area management.
- 16 We suggest that a better term than ‘Non-Statutory Designation’ might be found.
- 17 The existence and importance of World Heritage Sites should be recognised in some significant way, even if there is no additional statutory protection currently available. At the very least this paragraph should contain a reference to the importance of integrated long-term conservation management, and to the importance of ensuring that this is reflected in the Development Plan framework and any associated plans or policies, including Conservation Area Character Appraisals and the like.
- 18 There should be recognition of the importance of setting to all types of historic environment assets, and recognition here or earlier of the importance of all the rest of the historic environment. Authorities should be encouraged to seek advice as necessary where Gardens and Designed Landscapes and/or their settings appear to be potentially affected: as above, this should also apply to non-Inventory sites
- 19 ...Scotland’s cultural heritage **and the places where we work, rest and recreate**. It is, therefore, important that this resource is **protected and proactively managed for the long term...**
- 20 However, in **many** cases...

Perhaps the third sentence should refer to the significance (of which historic significance may be one element) of the heritage asset.
- 21 Policies **must** (rather than should) be set out in Development Plans with the emphasis on positive **long-term conservation** management...to advise owners of historic assets, **communities**, and other members of the public.

Perhaps this paragraph should also be positioned nearer the beginning of the document.
- 22 ...sustainability, **conservation, preservation**, regeneration and place-making. ...their own or contracted-in (*does this actually mean contracted-out?*) architectural, conservation, archaeological, urban design or art-historical services ...
- 23 The Institute believes that, contrary to the text of the third sentence here, it is essential to have specific survey information, policies and proposals on the full gamut of the

historic environment within Strategic Development Plans, and for these to be implemented, monitored and reviewed to ensure that they are taken seriously as key components of sustainable strategies. Apart from anything else SEA will require assessment of such factors. There is more to planning than just the capacity of areas: rather, development should be delivered which enhances the (architectural, historic and landscape) values of the environment.

- 24 The historic environment , as defined, should be set out in **survey** documents, on the sound principle of the sequence of Survey, Analysis, Plan, Implement, Monitor, Review. Detailed policies and proposals should be set out in Development Plans in general, and Local Development Plans in particular. Article 4 Directions should be fully integrated into all Conservation Areas, and indeed there should be a clear national policy that all Conservation Areas must have a minimum set of “Article 4 powers” set in place on designation. There should be clear national policy in SPP 23 promoting the retention, cherishing and creation of genuine items of architectural heritage, and rejecting the imposition of ersatz heritage items which has so often in the recent past cheapened our surroundings by significant expenditure in a misplaced desire for very visible changes, mostly for the worst. A two-year timescale is too short for a meaningful programme of work tackling historic environment issues, and this should be prepared rather for the five years of the Development Plan period.
- 25 While Supplementary Planning Guidance obviously has its place, it is far preferable for the Local Plan to contain this information and LPAs should be positively encouraged to provide it – ideally, detailed appraisals, development briefs and design guides ought to be clearly considered before policies and proposals are produced in Local Plans. And the 5-year cycle of Development Plans will ensure that SPG will be very much the exception, caused by unexpected events, rather than the rule. It would not be appropriate for such a procedure to be used to introduce policies and detailed proposals by the back door.
- 26 Model policies are no substitute for local expertise and understanding, which result in policies bespoke to local circumstances, and which are far more defensible at appeal. It would be acceptable to have access to a database of referenced policies from other authorities, from which one could then develop one’s own, but the idea that policies can be applied in a painting by numbers manner will not produce a planning masterpiece.
- 27 We agree that generally Conservation Area Character Appraisals and Conservation Management Plans should not require SEA.
- 28 ... development management role, **and ensure that the environments which are being created will be considered of significant value in the future.**
- 29 ...it is expected that developers will **be required to** identify all heritage assets...

Preservation of significance is an unlikely outcome in the majority of cases, especially if one takes a broad view of the term Historic Environment, such as including everything over 30 years old in the built environment.

- 30 This is a somewhat weak paragraph. The settings of these nationally important sites should also be mentioned. EIA only applies to a relatively few planning applications. Rather than playing Hunt the Circular there should be reference to the Memorandum of Guidance which should, if necessary, be adapted to cover these important areas.
- 31 Reference should be made to the requirement for LPAs to provide an annual return on their care of C(S) buildings. Where the LPA has an interest in such a proposal ought also to be an exception to the general rule of determination (3rd bullet point).
- 32 Rather than *preserving* the LB and its setting, it may be more accurate to ensure the successful conservation of both these important elements. There should be no statement in such a policy document which is as much of a hostage to fortune as 'listing should not prevent sympathetic adaptation'. Instead there should be a clear presumption in favour of rejection of proposals which impact negatively on the special character of the building and/or its setting.
- 33 ...a listed building *in active long-term use*.
- Perhaps **preserve** should be used in the last sentence if it is used in paragraph 32.
- 34 The second sentence of this paragraph is ambiguous and should be re-written. Should it be importance or **significance**? ...
- ... condition of the building **and its setting**, the impact on adjacent listed buildings,
- We consider that the last line of this paragraph should be omitted
- 35 The appropriate place for guidance on handling LBC applications will be in an accompanying PAN, not a SHEP.
- 36 The second bullet point has a touch of Alice-in-Wonderland about it, and should be omitted. The third bullet point should be rewritten in plain English.
- 37 Conservation Area Character Appraisals should be required as key parts of Local Plans, not merely encouraged. There should be firm policy in this paragraph, and it should be along the lines of ensuring that developments should not have adverse impacts on the appearance, character or setting of the CA.
- 38 We consider that the first sentence should be amended: Article 4 powers are always necessary for effective conservation management, as are CACAs and Development Plans with detailed briefs and the like. There is an omission insofar as the protection of historic road surfaces seems particularly difficult – they cannot, apparently, be listed. Article 4 powers should be sought quickly and there should not be any implication that they cannot be obtained at the same time as the CA is designated. As previously, there should be an encouragement to designate CAs quickly and protect them effectively for the long term once the need for them has been established.
- 39 Reference should be made in this paragraph to the sustainability benefits of retaining buildings, especially ones of historic interest. Perhaps there should be a general presumption in favour of the retention of buildings which make positive contributions.

The merits of the building itself (assuming there are some) should also be taken into account as well as its wider impacts on character, appearance and setting.

- 40 Perhaps the bald statement on preservation should be clarified by reference to the legislation. The words “*unless there are exceptional circumstances*” should be omitted from this statement of policy.
- 41 Nautical Miles are not terms familiar to most of us, and perhaps, if they must appear at all, they should be supplemented or prefaced by the metric equivalent.
- 42 Buildings are surprisingly omitted from this important list. That should be remedied. It would also be useful to make reference to the sustainability benefits of their protection and conservation. **Analysis and publication** should be added to the last sentence of this paragraph, after ...recording.
- 43 There should be reference to the important responsibilities for LA care of Buildings, and indeed for the general leadership which LAs **and other public bodies** should show as far as this is concerned as a matter of public policy. Sites appearing in the IGDLIS should also be explicitly mentioned. Conservation Officers (or equal approved) are key members of effective planning and regeneration teams, and have an important all-embracing role in the management of the historic environment: archaeological services are an important subset of such activities. An important ability which the LPAs have is to grant-aid or make loans towards historic (not necessarily listed) buildings, and this should also be mentioned here, along with the powers of compulsory purchase and repair which are also available.
- 44 IGDLIS and other garden or policy landscapes/sites should also be mentioned: specific encouragement should be given to LPAs to consider Conservation Area designation as a protective mechanism for such landscape sites.
- 45 PASTMAP and other resources are important but cannot substitute for skilled and knowledgeable planning and/or Conservation Officers working on the ground.
- 46 Requirements to record as part of consent to demolish should be made explicit here. The recording of buildings can be tackled in a number of ways by a number of skilled professionals: perhaps the first preference should be for an architect skilled in matters of the conservation of historic buildings, although it must obviously be a question of horses for courses.
- 47 Consideration should be given to the introduction of a Completion Certificate for works to listed buildings. There should be a paragraph here specifically on Grants and Loans.
- 48 ...planning authorities to managing **positive long-term** change in the historic environment... .

...high quality development which **adds positively to** the values embedded in the historic environment... .