

Scottish Historic Environment Policy Series
SHEP 1: Environmental Report

1.0 Introduction

1.1 **Scottish Historic Environment Policy** (SHEP) is a new series of policy documents that sets out Scottish Ministers' strategic policies for the historic environment and the operational policies that Historic Scotland (HS) will follow in implementing them. The responsibility for preparing the SHEPs lies within HS's purview.

1.2 SHEP 1: *The Historic Environment* is the overarching policy statement for the historic environment. It provides a framework for more detailed strategic policies and operational policies that inform the day-to-day work of a range of organisations, including the Scottish Executive, local authorities and the range of bodies that have a role and interest in managing the historic environment. It is also intended to inform the statutory planning, Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) processes.

1.3 The Environmental Assessment (Scotland) Act 2005 came into force on 20 February 2006. Plans, programmes and strategies (including policies) with the potential to result in significant environmental effect are to be subject to environmental assessment prior to adoption.

1.4 HS consider that SHEP 1 has the potential to result in significant environmental effects. Accordingly, HS have undertaken an SEA of SHEP 1. A Scoping Report, setting out the scope and level of detail to be included in the Environmental Report, was prepared and sent to Scottish Natural Heritage and the Scottish Environment Protection Agency as the Consultation Authorities in December 2005.¹ This Environmental Report reports the results of the environmental assessment, building on the Scoping Report and the comments received.

1.5 This Environmental Report accompanies the draft SHEP 1. The period for public consultation on both the draft SHEP 1 and the Environmental Report comprises 13 weeks. Comments on both the policy document and the Environmental Report should be sent by 23 June 2006 to:

hs.shep@scotland.gsi.gov.uk

or

SHEP 1 Consultation
Historic Scotland

¹ Section 3(2) of the Act prohibits Historic Scotland from being a Consultation Authority in this instance, as Historic Scotland is the Responsible Authority for this policy.

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1.6 Once the consultation period is complete, the need for changes to SHEP 1 will be reviewed. Where significant changes are made which could result in significant environmental effects, an assessment will be undertaken of their impact.

2.0 Background to SHEP 1

2.1 A framework of legislation and policy is in place to protect and conserve the historic environment. The legislation comprises:

- The Ancient Monuments and Archaeological Areas Act 1979
- The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- The Protection of Wrecks Act 1973

2.2 Scottish Ministers' policy on the historic environment is set out in:

- NPPG 5 Archaeology and Planning
- NPPG 18 Planning and the Historic Environment
- Passed to the Future (on the sustainable management of the historic environment)

2.3 Guidance to support these policies is provided in the following documents:

- Memorandum of Guidance on Listed Buildings and Conservation Areas, Historic Scotland, 1998
- PAN 42 Archaeology – The Planning Process and Scheduled Monument Procedures

2.4 The “historic environment” is defined in Section 16(3) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 as “... any or all of the structures and places in Scotland of historical, archaeological or architectural interest or importance”. NPPG 18 builds on this definition by identifying the following features of interest:

- scheduled ancient monuments
- historic buildings
- designed gardens and landscapes
- archaeological sites
- townscapes
- historic landscapes
- the wider setting of the features listed above

This list should be read as including Conservation Areas and maritime archaeology.

2.5 In Scotland, government policies for the historic environment have been developed over many years and most of the current policies have been in place since before devolution and the creation of the Scottish Parliament and Scottish Executive. Many policies have been developed in-house (as was the norm at that time) and have not been subject to stakeholder or public consultation and input.

2.6 Recognition of this situation as a potential problem and of the need to review and update policies has resulted in this new policy series dedicated to the Scottish historic environment. The SHEP series will cover strategic policies (that is, the things that Scottish Ministers will do or expect others to do) and operational policies (what Historic Scotland will do and how). The SHEPs will be supplemented by advice and guidance notes as required. Key facts are provided in Table 1.

Table 1. SHEP 1: Key Facts

Name of Responsible Authority	Historic Scotland
Title of policy	SHEP 1: The Historic Environment
What prompted the policy	Ministerial commitment
Policy subject	Historic environment
Period covered by policy	2006-
Frequency of updates	Review every five years
Policy area	National: policy covers all of Scotland
Policy purpose and/or objectives	Review and update existing policy
Contact point/policy owner	Gordon Barclay

3.0 SHEP 1: contents

3.1 SHEP 1 sets out Scottish Ministers' policy relating to the historic environment and sets out, at a high level, the anticipated outcomes. Accordingly, it contains the following components:

- a vision
- identification of three key outcomes
- policy commitments in support of those outcomes

3.2 A summary of these components is provided in Table 2.

Table 2. SHEP 1 components

Component	reference in SHEP 1
vision: opportunity for people to understand and have regular contact with their historic environment	3.2
vision: realise the historic environment's full potential as an economic, educational and cultural resource	3.2
vision: maximise the historic environment's role in social and economic regeneration	3.2
outcome 1: protection, maintenance and enhancement of historic environment	3.3 Section 4
<ul style="list-style-type: none"> • policy commitment: identifying & designating heritage assets 	4.2
<ul style="list-style-type: none"> • policy commitment: <ul style="list-style-type: none"> ○ principles and processes are open and well-understood ○ appropriate review mechanisms are in place ○ owners and occupiers have opportunity to be consulted 	4.4
<ul style="list-style-type: none"> • policy commitment: sustainable management of monuments in care of the Scottish Ministers and promotion of green tourism 	5.2 and 5.3
<ul style="list-style-type: none"> • policy commitment: promote good practice in implementing consent mechanisms for listed buildings, scheduled monuments, and protected wrecks 	5.4
<ul style="list-style-type: none"> • policy commitment: encourage traditional building skills and materials 	5.6
<ul style="list-style-type: none"> • policy commitment: <ul style="list-style-type: none"> ○ investment in fabric and management of historic environment (including those in the care of Scottish Ministers) ○ encourage good stewardship and proper standards of maintenance and repair 	6.1 and 6.4 6.2
outcome 2: increased public appreciation and enjoyment of the historic environment amongst all the people of Scotland and visitors to the country	3.2 Section 7
<ul style="list-style-type: none"> • policy commitment: promote and enable access and understanding 	7.1 and 7.2
<ul style="list-style-type: none"> • policy commitment: undertake historic environment audit 	7.3
<ul style="list-style-type: none"> • policy commitment: promote access to information and to educational initiatives 	7.4 and 7.5
<ul style="list-style-type: none"> • policy commitment: develop good practice in interpretation 	7.7
<ul style="list-style-type: none"> • policy commitment: increase and share technical and professional knowledge 	
outcome 3: recognise and skilfully harness the historic environment's importance economically, socially and culturally	3.2 Section 8
<ul style="list-style-type: none"> • policy commitment: promote tourism 	8.2
<ul style="list-style-type: none"> • policy commitment: contribute to regeneration generally 	8.3
<ul style="list-style-type: none"> • policy commitment: invest in repair and maintenance, including traditional skills 	8.4

3.3 Policies relating to specific historic environment features will be set out in subsequent SHEPs. Plans and programmes to implement these policies will be identified in the HS Corporate Plan and developed as required. A list of proposed SHEPs is provided in Table 3. These SHEPs will also be subject to SEA.

Table 3. List of proposed SHEPs

SHEP	Title	Publication Dates (Tentative)
1	The Historic Environment	Public Consultation March 2006 on draft Final anticipated 2006-7
2	Scheduling	Publication February 2006 ¹
3	Gardens and Designed Landscapes	Public Consultation March 2006 Final anticipated 2006-7
4	Scheduled Monument Consent	
5	Listing of Historic Buildings	
6	Listed Building Consent	
7	Battlefields	
Other SHEPS in development include:		
tbc	Marine Historic Environment	
tbc	Properties in State Care	
tbc	Settings of Ancient Monuments and Historic Buildings	
tbc	World Heritage Sites	

¹ Public consultation exercise undertaken in 2004.

4.0 Relationship with other policies (including legislation)

4.1 The SHEP series will be developed and taken forward alongside the framework of UK-wide and Scottish legislation and policy relating to the historic environment described in Section 2. This relationship is illustrated in Figure 1.

4.2 The development of the SHEP series will also be undertaken within the context of existing Scottish Ministers' policy. Accordingly, historic environment policy will *inter alia* take account of the environmental protection objectives set by international, European, UK-wide and Scottish legislation and policy. A list of relevant environmental legislation and policy is provided in Annex I.

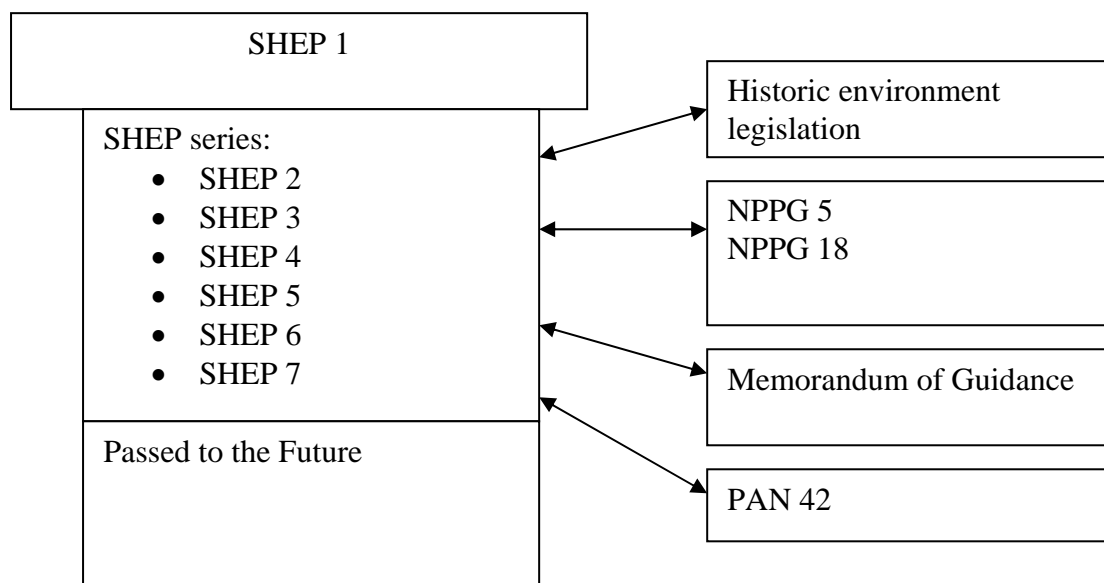


Figure 1. Relationship of SHEPs and historic environment legislation, policy and guidance

5.0 Environmental parameters: baseline information and potential impacts

5.1 The policies contained in SHEP 1 are high level, strategic policies. As such the assessment of potential impacts has been undertaken at a broad-brush, conceptual level. Accordingly, the environmental baseline has been considered in the same way. The environmental baseline has been assumed as being of good quality, and comprising the parameters set out in Table 4; it is also these that have been considered in the environmental assessment. Accordingly, no detailed baseline environmental data has been included in the Environmental Report.

6.0 Scope and assessment methods

6.1 HS has used the following assessment methods:

- assessment criteria based on a variation of the Dutch “e-test”; and
- an assessment matrix.

6.2 The Dutch e-test asks if a policy will have consequences for:

- energy consumption and mobility
- consumption and stocks of raw materials
- waste streams and atmospheric, soil and surface water emissions
- use of available physical space

6.3 To this list has been added: “will there be consequences for environmental features protected at international, European, national, regional or local level?”

6.4 This list of questions has been applied to each of the environmental parameters identified in Table 4. “Consequences” have been considered as arising from land take (resulting from projects), changes to land use, and/or activities, in terms of the potential impacts identified in Column 3 of Table 4.

6.5 The assessment matrix identifies the various components of SHEP 1, and considers the potential impacts (both positive and negative) on the following environmental parameters:

- biodiversity, fauna and flora
- population
- human health
- soil
- water
- air
- climatic factors
- material assets
- cultural heritage, including architectural and archaeological heritage
- landscape
- the inter-relationship between these

6.6 Human health was scoped out of the environmental assessment as a result of the scoping exercise. All other environmental parameters were included in the assessment.

Table 4. Environmental parameters and potential impacts

Environmental parameter/issue	Features of interest	Potential impacts²
biodiversity, fauna and flora	<ul style="list-style-type: none"> • designated sites (international, European, national, regional, local) • designated species (international, European, national) • habitats and species identified in Biodiversity Action Plans • ecosystem interests • National Parks 	<ul style="list-style-type: none"> • loss of habitat • damage to habitat (or improvement) • disturbance • changes to hydrological regime • reduction/improvement in air quality
population	communities	noise; disturbance; visual impact; severance; reductions/ improvements in amenity
human health	health and well-being	<ul style="list-style-type: none"> • reduction/improvement in air quality; noise levels • opportunities for physical exercise and access
soil	<ul style="list-style-type: none"> • agricultural land quality • contaminated land 	loss; degradation; opportunity for reclamation
water (both surface and groundwater)	<ul style="list-style-type: none"> • quality • resources (including flooding) 	<ul style="list-style-type: none"> • improvements to/ deterioration in quality • change to hydrological patterns
air	air quality	<ul style="list-style-type: none"> • changes in emissions • dust generation
climatic factors	greenhouse gas emissions	changes in emissions
material assets	land use e.g. recreation and access; agricultural land; public open space	loss; damage, changes to access
cultural heritage, including architectural and archaeological heritage	<ul style="list-style-type: none"> • definition of historic environment provided in paragraph X • National Parks 	loss; damage; effects on setting; changes in hydrological patterns; decreased air quality affecting buildings; amenity
landscape	<ul style="list-style-type: none"> • designated areas (national, regional, local) e.g. National Scenic Area • National Parks • historic landscape 	loss; damage; intrusion; setting

² "Impacts" includes negative and positive effects.

7.0 Alternatives

7.1 As SHEP 1 represents a consolidation and updating of existing policy (including that based on legislation), no alternatives have been identified. If the public consultation exercise identifies alternatives to the policy process outlined in the draft SHEP, these will be considered in due course. Alternatives identified in this way will be reviewed for their environmental implications.

8.0 The environment without SHEP 1

8.1 A key issue in publishing the SHEP is to make the Scottish Ministers' historic environment policies accessible and transparent to the general public, as well as other governmental and non-governmental organisations, with a view to delivering joined-up policy implementation. Were the SHEP not to go forward, the implications for the environment in general are minimal: the responsibilities of HS and others to the historic environment and other components of the environment would not change.

9.0 Results

9.1 The results of the assessment are provided in Table 5. The assessment has identified positive and negative impacts. Given the nature of SHEP 1 it has not been possible to identify cumulative and synergistic impacts; these will be identified, where they occur, at a more appropriate level of assessment in the historic environment policy hierarchy.

9.2 HS consider that indicators may be more realistically identified when policies, plans or programmes at subsequent levels in the hierarchy are assessed.

9.3 In summary, the assessment has identified mainly positive impacts on the historic environment. However, impacts on other environmental parameters are uncertain, as it is not clear what activities may be. Assessment must be undertaken at another level of the policy hierarchy (see Section 10).

10.0 Mitigation

10.1 The results of the environmental assessment indicate that it is likely that there will be positive impacts on the historic environment. Given the nature of SHEP 1, impacts on other environmental parameters are uncertain. Assessment will be undertaken at the next level of the historic environment policy hierarchy, i.e. the remainder of the SHEP series (apart from SHEP 2). This assessment will be undertaken by HS staff responsible for SEA. However, at this stage the environmental assessment has identified that, in the absence of appropriate policy, impacts on other environmental parameters may occur. Accordingly, a policy has been included in SHEP 1 (at paragraphs 3.1 and 5.5) which acknowledges that sustainable historic environment management practices shall take account of other environmental interests. This policy constitutes the commencement of a "green thread" which will be included in the remainder of the SHEP series. In addition, HS

is in the process of developing an Environmental Management System (EMS) which, in the long term, will include its activities. The EMS will be used to ensure that activities are reviewed for their environmental effects.

11.0 Monitoring

11.1 Again, given the nature of SHEP 1, HS consider that monitoring is best undertaken at a more appropriate level in the policy hierarchy, either at the level of the SHEP series or subsequent plans and/or programmes.

Table 5. Environmental assessment matrix for SHEP 1: scoping

	Environmental topic/issue											Comments
	biodiversity, fauna, flora	Population	human health	soil	water	air	climatic factors	material assets	cultural heritage	landscape	interrelationships	
Key: + potentially beneficial effects; blank = potentially neutral impact; ? don't know or further discussion needed; - potentially negative effects; n/a = scoped out												
SHEP 1 components												
vision: opportunity for people to understand and have contact with their historic environment	?	+	n/a	?	?	?	?	?	+	?		Positive impact on people's intellectual and physical access to knowledge, as well as the historic environment. Otherwise, it is difficult to assess impacts at the level of "vision": the implications are assessed at the "key outcomes" level.
vision: realise the historic environment's full potential as an economic, educational and cultural resource	?	?	n/a	?	?	?	?	?	+	?		Positive impact on the historic environment. Otherwise, it is difficult to assess impacts at the level of "vision": the implications are assessed at the "key outcomes" level.
vision: maximise the historic environment's role in social and economic regeneration												Positive impact on the historic environment. Otherwise, it is difficult to assess impacts at the level of "vision": the implications are assessed at the "key outcomes" level.

	Environmental topic/issue											Comments
	biodiversity, fauna, flora	Population	human health	soil	water	air	climatic factors	material assets	cultural heritage	landscape	interrelationships	
Key: + potentially beneficial effects; blank = potentially neutral impact; ? don't know or further discussion needed; - potentially negative effects; n/a = scoped out												
outcome 1: protection, maintenance and enhancement of historic environment	+/-	+	n/a	+/-	+			+/-	+	+		1. retaining and adding to Scotland's historic environment resource 2. protection of asset may confer protection on natural heritage, but may pose challenges as well
policy commitment: identifying & designating heritage assets	+/-	+	n/a	+/-	+			+/-	+	+		as above
policy commitment: consultation and review mechanisms		+							+			Positive impact on people's intellectual and physical access to knowledge, as well as the historic environment.
policy commitment: sustainable management of monuments (properties in care of the Scottish Ministers)	+/-	+	n/a	+/-	+			+/-	+	+		1. retaining and adding to Scotland's historic environment resource 2. protection of asset may confer protection on natural heritage, but may pose challenges as well
policy commitment: promote green tourism	+/-	+	n/a	+/-	+		?	+/-	+	+		1. retaining and adding to Scotland's historic environment resource 2. protection of asset may confer protection on natural heritage, but

	Environmental topic/issue											Comments
	biodiversity, fauna, flora	Population	human health	soil	water	air	climatic factors	material assets	cultural heritage	landscape	interrelationships	
Key: + potentially beneficial effects; blank = potentially neutral impact; ? don't know or further discussion needed; - potentially negative effects; n/a = scoped out												
												may pose challenges as well
policy commitment: consent mechanisms for designated features			n/a						+			as above
policy commitment: encourage traditional building skills and materials	-/?	+	n/a	-/?	-/?	-/?	-/?	-/?	+	-/?		Positive social impact: increased education. Potential for negative impact as a result of winning traditional materials.
policy commitment: investment			n/a						+			
outcome 2: increased public appreciation and enjoyment of the historic environment	-/?	+	n/a						+/?			Positive social impact. Increased access can have potential for both negative and positive effects on historic environment. Potential for negative effects on natural heritage e.g. damage and disturbance.
policy commitment: accessibility and understanding	-/?	+	n/a						+/?			as above
policy commitment: historic environment audit			n/a						+			

	Environmental topic/issue											Comments
	biodiversity, fauna, flora	Population	human health	soil	water	air	climatic factors	material assets	cultural heritage	landscape	interrelationships	
Key: + potentially beneficial effects; blank = potentially neutral impact; ? don't know or further discussion needed; - potentially negative effects; n/a = scoped out												
policy commitment: access and educational initiatives	-/?	+	n/a						+/?			Positive social impact. Increased access can have potential for both negative and positive effects on historic environment. Potential for negative effects on natural heritage e.g. damage and disturbance.
policy commitment: interpretation			n/a						+			
policy commitment: technical and professional knowledge		+	n/a						+			
outcome 3: recognise and maximise historic environment's importance economically, socially and culturally	?	?	n/a	?	?	?	?	?	?	?		Potential for impacts on other environmental parameters through damage and disturbance, increased activity e.g. increased CO2 emissions
policy commitment: tourism	?	?	n/a	?	?	?	?	?	?	?		Potential for impacts on other environmental parameters through damage and disturbance, increased activity e.g. increased CO2 emissions
policy commitment:	?	?	n/a	?	?	?	?	?	?	?		Potential for impacts on other

	Environmental topic/issue											Comments
	biodiversity, fauna, flora	Population	human health	soil	water	air	climatic factors	material assets	cultural heritage	landscape	interrelationships	
Key: + potentially beneficial effects; blank = potentially neutral impact; ? don't know or further discussion needed; - potentially negative effects; n/a = scoped out												
regeneration												environmental parameters through damage and disturbance, increased activity e.g. increased CO2 emissions
policy commitment: construction industry	?	?	n/a	?	?	?	?	?	?	?		Potential for impacts on other environmental parameters through damage and disturbance, increased activity e.g. increased CO2 emissions
Summary Mainly positive impacts on the historic environment. Impacts on other environmental parameters uncertain, as it is not clear what activities may be.			Mitigation see Section 10					Issues to be flagged to SEA of policies lower in the historic environment policy hierarchy: impacts on environmental parameters other than historic environment to be investigated more fully at lower levels in the hierarchy, by HS SEA staff				

Annex I. Other policies, plans and programmes

The SHEP series will take into consideration the environmental duties set out in this Annex when developing historic environment policies or considering the actions which may flow from them (which may include plans and/or programmes).

Legislation/Policy	Responsibility	Environmental issue
International Charters ratified by the UK Government e.g. Kyoto Protocol	Responsibilities are taken forward in European and/or UK legislation	various
UNESCO World Heritage Convention 1972	Provides for the identification, protection, conservation and presentation of cultural and natural sites of outstanding universal value	cultural and natural heritage
Water Framework Directive ³	Duty to: <ul style="list-style-type: none"> • Prevent deterioration and enhance status of aquatic ecosystems, including groundwater; • Promote sustainable water use; • Reduce pollution; and • Contribute to the mitigation of floods and droughts. (Source: http://www.sepa.org.uk/wfd/about/index.htm)	water quality and resources
Air Framework Directive ⁴	Duty to assess and manage ambient air quality	air quality
Habitats Directive	Duty to protect natural habitats, includes provisions to designate Special Areas of	natural heritage

³ implemented in Scotland through the Water Environment and Water Services (Scotland) Act 2003

⁴ implemented through UK's Air Quality Strategy (AQS)

Legislation/Policy	Responsibility	Environmental issue
	Conservation as part of the Natura 2000 network	
Birds Directive	Duty to protect all wild birds and their habitats, includes provisions to designate Special Protection Areas (SPA)	natural heritage
National Parks (Scotland) Act 2004	Establishes the National Parks (Loch Lomond and the Trossachs, and the Cairngorms) and sets out their statutory aims	cultural and natural heritage
Nature Conservation (Scotland) Act 2004 Scottish Biodiversity Strategy	Duty to further the conservation of biodiversity	biodiversity; flora and fauna
NPPG14	Gives guidance on how the Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning	nature conservation; landscape
SPP7	Sets out the Scottish Executive's planning policy on new development and flooding	flooding
UK and Scottish Sustainable Development Strategies	Identifies the principles to help achieve the goal of sustainable development	sustainable development
UK and Scottish Climate Change Programmes	Sets out the policies to deliver the UK's commitments under the Kyoto Protocol	climate change
Scottish Executive Tourism Framework for Action 2002: 2005	Sets out Scotland's priorities for tourism	

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