



Gordon Mackie
Historic Scotland
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7 December 2009

Dear Mr. Mackie,

Consultation on Historic Scotland Guidance Notes – Managing Change in the Historic Environment

Thank you for the opportunity to comment upon Historic Scotland's draft Guidance Notes – Managing Change in the Historic Environment.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

The IfA has over 2,800 members and more than 60 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors. The IfA's Scottish Group (which has over 200 members practising in the public, private and voluntary sector in Scotland) has contributed to this response.

Furthermore, the IfA is a member of the Built Environment Forum Scotland (BEFS), a network organisation that brings together non-governmental organisations and professional bodies that work with Scotland's built environment, and endorses the separate response of that organisation.

General comments on the draft guidance notes

The Institute welcomes the aim of Historic Scotland to produce clear and consistent guidance notes to support the Scottish Historic Environment Policy (SHEP) and Scottish Planning Policy SPP23: Planning and the Historic Environment.

However, the IfA shares the concerns set out in the BEFS response (to which it is a signatory) and would add or amplify the following issues:

1. *The intended audience for the guidance notes*

(1) It is stated that the '*notes have been designed to offer clear, consistent advice to professionals, developers and applicants*'. However, for the most part the draft notes are directed to the general public rather than the professional practitioner and, in particular, local authorities and their advisors. Clear amplification of the policies to be applied by local authorities is needed and those detailed aspects of the Memorandum of Guidance on Listed Buildings and Conservation Areas (1998) directly relevant to local authorities but omitted from the draft notes should either be reinstated or reproduced elsewhere.

(2) On the other hand, if the notes are directed to applicants and other members of the public, it would be helpful to clarify the generic reference in the second paragraph to the introduction to each note to the weight to be afforded to it in drawing up planning policies and determining applications relating to the historic environment.

2. *The role of local authorities*

(1) Greater prominence should also be given in the draft notes to the role of local authorities in the development management system. For instance, the key issues outlined in every note refer to local authority advice on the requirement for impact assessment, consent or other permission as appropriate but fail to emphasise the crucial role of local authorities and their advisors at every stage of the process.

3. *Clarity and consistency*

(1) Clear language is needed to produce robust working documents and the use of words such as 'can' and 'may' undermine the value of the notes in this regard. A lack of consistency (for instance in the apparently interchangeable use of the terms 'historic building' and 'listed building': see, for instance, the 4th and 5th paragraphs of page 6 of the note on doorways) also detracts from the notes.

(2) The document would also benefit from paragraph numbering if it is intended to use the document in public inquiries.

4. *PAN 42*

(1) There is an urgent need for revision and up-dating of Planning Advice Note PAN 42: Archaeology – the Planning Process and Scheduled Monument Procedures which was published in January, 1994. It is appreciated that the current notes are intended to replace the Memorandum of Guidance on Listed Buildings and Conservation Areas (1998), but detailed and up-to-date guidance on issues relating specifically to archaeology (whether below or above ground) is also required. The Institute would welcome the opportunity at the earliest convenient time to meet with representatives of Historic Scotland to discuss this issue.

(2) Notwithstanding the focus of the current draft notes upon listed buildings and conservation areas, the IfA welcomes the explicit references to archaeology in some of the notes, for instance, with respect to demolition. However, we would like to see

1. clear cross-references in the notes where archaeology is raised as an issue to more detailed guidance elsewhere relating specifically to archaeology
2. an 'archaeology section' in the notes relating to boundaries, extensions, micro-renewables and engineering structures
3. reference to PAN 42 in the Information and Advice section of those notes where archaeology is identified

5. *Archaeological work to be carried out to recognised standards by accredited recognised experts*

(1) The Institute welcomes the references to the carrying out of work by '*appropriate professionals*' (page 5 of the draft note on demolition) and other similar references elsewhere in the notes (for example, the reference to '*the engagement of a suitably qualified historic environment consultant*' to provide an assessment at page 4 of the note on setting). We would in fact go further and suggest that there should be a consistent requirement in the notes for archaeological work (whether it be above or below ground and including recording) to be carried out '*by accredited / recognised experts¹ to recognised standards²*'. The following footnotes would clarify that requirement:

¹ The Institute for Archaeologists can provide advice on accredited/registered expert historic environment practices and individuals (<http://www.archaeologists.net/modules/icontent/index.php?page=22>)

² The industry standards and guidance for archaeological excavations, archaeological building investigation and recording, and archaeological watching briefs are available at <http://www.archaeologists.net/modules/icontent/index.php?page=15>

6. *Setting*

(1) The language of the draft note on setting with an emphasis on 'structures' focuses largely upon buildings and fails fully to convey the range of assets that might be effected by development within their setting.

7. *Demolition*

(1) The section on recording at page 7 of the draft note on demolition should further clarify the role of local authorities in this regard and explain that authorities may impose conditions more far reaching than those obligations imposed by sections 7(2) and 66(3) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

8. *Undesignated Assets*

(1) Although the Memorandum of Guidance on Listed Buildings and Conservation Areas focuses upon designated assets, the planning system protects the whole of the historic environment the vast majority of which is unprotected. Further guidance on the protection of undesignated historic assets through the planning process would be useful, perhaps in separate guidance.

The specific consultation questions

Background

1. ***In what capacity are you involved with seeking advice on the Historic Built Environment (e.g. applicant, agent, amenity body, planner etc.)?***

The IfA is a professional body for the study and care of the historic environment. As such it is not directly involved in the planning process. However, its members are heavily involved in the planning process and in the seeking and giving of advice on the historic built environment as local government officers providing specialist advice on the historic environment, as private contractors and consultants carrying out archaeological work and providing advice to both the private and public sector and as applicants involved in the management of historic assets.

Content of the Guidance Notes

- 2. Do you think the guidance notes present Scottish Minister's advice on the Historic Environment in a clear and consistent manner?
Please explain why / why not.**

Not wholly – See the general comments above.

Layout of Guidance Notes?

- 3. What are your views on the layout and use of images of the guidance notes?
It would be useful if you could consider:**

- **How easy are the documents to read?**

The notes were generally easy to read, but would benefit from less generality and more precision as outlined in the general comments above.

- **Are the documents accessible?**

Yes

- **Do you think the images are appropriate for the issues they illustrate?**

Generally, yes. The draft notes were well illustrated and the illustrations added value to the guidance.

Future Guidance Notes

- 4. The 14 Guidance Notes replace guidance from the withdrawn Memorandum. What aspects of the Historic Environment should be considered for inclusion in an expanded series in the future?**

- Revised and up-dated PAN 42
- Undesignated assets
- Landscape

We look forward to working with Historic Scotland further to develop the current draft guidance notes and to bring forward further guidance (including a revised PAN 42). In the meantime, if there is anything further that the Institute can do to assist please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Hinton', written in a cursive style.

Peter Hinton BA FSA FRSA MifA MIAM
Chief Executive