

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



**Consultation Report
August 2009
CRES Ref: Con1174**

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Section 1: Executive Summary

1. The reform of Scotland's planning system is a key mechanism for the delivery of sustainable economic growth. A key element of Historic Scotland's work in support of this reform is to provide advice in an accessible, clear and consistent manner.
2. National policy and advice on the historic environment has until recently been set out the Memorandum of Guidance on Listed Buildings and Conservation Areas (1998). The publication of the [Scottish Historic Environment Policy](#) (SHEP) last year superseded the policy sections of the Memorandum, the decision was therefore taken to withdraw the Memorandum on 27 July 2009.
3. Historic Scotland has prepared a series of guidance notes to support the SHEP and Scottish Planning Policy SPP23: Planning and the Historic Environment. The initial series of 14 notes replace guidance previously provided by the Memorandum. The notes have been designed to offer clear, consistent advice to professionals, developers and applicants and be published on-line.

Section 2: Purpose of the Consultation

Historic Scotland is carrying out a consultation on Historic Scotland's Guidance Notes – Managing Change in the Historic Environment for a number of reasons:

- To seek views on the guidance set out in the documents;
- To seek views on the layout of the documents; and
- To seek views on the range and scope of future guidance notes.

Section 3 outlines the consultation process. It would be helpful if respondents would consider the questions in Section 4.

Section 3: The Consultation Process

Introduction

This report invites views on the form and content of the 14 guidance notes and the range and scope of future notes.

Responding to this consultation paper

We are inviting written responses to this consultation paper by 8 December 2009. Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:

Gordon.Mackie@scotland.gsi.gov.uk

or

Gordon Mackie
Historic Scotland
Longmore House (E8)
Salisbury Place
EDINBURGH
EH9 1SH

If you have any queries contact Gordon Mackie on 0131-668-8938.

This consultation can be viewed online on the consultation web pages of Historic Scotland at www.historic-scotland.gov.uk/consultations. The consultation, and all other Scottish Government consultation exercises, can also be accessed online from www.scotland.gov.uk/consultations. Printed copies of the consultation can be obtained from Historic Scotland's head office at the address given above. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

The Scottish Government now has an email alert system for consultations (SEconsult: <http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form, which is either attached to this document or can be downloaded from the place you obtained this document, as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

You should be aware that Historic Scotland, as an agency of the Scottish Government, is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

If you have given permission for your response to be made public (see the attached Respondent Information Form), and after we have checked that they contain no potentially defamatory material, it will be made available to the public in the Scottish Government Library by 7 January 2010 and on the Historic Scotland consultation web page by 14 January 2010. You can make arrangements to view responses by contacting the SG Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

Following the closing date, all responses will be analysed and considered along with any other available evidence. We aim to issue an analysis report on this consultation process by 19 February 2010 and will reach a decision on the final form of the guidance notes as soon as possible.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to Gordon Mackie as detailed above.

Consultation

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses¹. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (e.g., analysis of response reports) can be accessed at: [Scottish Government consultations](http://www.scotland.gov.uk/consultations) (<http://www.scotland.gov.uk/consultations>). Those related to Historic Scotland can also be found on the agency's website (www.historic-scotland.gov.uk/consultations).

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

¹ <http://www.scotland.gov.uk/consultations>

Regulatory Impact Assessment

The guidance notes support Scottish Ministers current policy on the historic environment. It is therefore not necessary to carry out a further regulatory impact assessment.

Equality Impact Assessment

Historic Scotland considers it unlikely that recasting guidance on the Historic Environment would have significant equalities impacts, but invites views on the proposed amendments in that regard. We would also welcome any information which may assist us with an assessment. In your response it would be helpful to know what you consider the equality issues to be.

Strategic Environmental Assessment

Historic Scotland has applied the criteria specified in Schedule 2 of the Environmental Assessment (Scotland) 2005 Act to the guidance notes. We have determined that the guidance is exempt from Strategic Environmental Assessment (SEA) under Section 7(1) and have notified the Consultation Authorities through the submission of a pre-screening report to the SEA Gateway.

Section 4: Consultation Questions

Background

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

Content of 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.

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 the documents are to read?
 - are the documents accessible?
 - do you think the images are appropriate for the issues they illustrate?

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?

Jim MacDonald, Deputy Chief Inspector
August 2009