

**Analysis Report on the Consultation on Historic
Scotland's Guidance Notes – Managing Change in
the Historic Environment**

**Analysis Report
Historic Scotland's Inspectorate
March 2010
CRES Ref:Con1174**

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Section 1: Acknowledgements

1. Historic Scotland would like to thank all those who responded to this consultation document by providing written comments.

Section 2: Executive Summary

2. Historic Scotland is pleased to announce the findings of the consultation on Historic Scotland's Guidance Notes – Managing Change in the Historic Environment. 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.
3. National policy and advice on the historic environment has until recently been set out in the Memorandum of Guidance on Listed Buildings and Conservation Areas (1998). The publication of the [Scottish Historic Environment Policy](#) (SHEP) in 2008 superseded the policy sections of the Memorandum, the decision was therefore taken to withdraw the Memorandum on 27 July 2009.
4. Historic Scotland prepared a series of guidance notes to support the SHEP and Scottish Planning Policy SPP. The initial series of 14 notes replace the guidance previously provided by the Memorandum. The notes were designed to offer clear, consistent advice to professionals, developers and applicants and be published on-line.
5. Between 31 August and 8 December last year Historic Scotland ran a public consultation which sought the views on recasting the advice previously contained in the Memorandum. The consultation sought comments on the content and layout of the documents and on the scope of future guidance notes.

Thirty-eight responses were received to the consultation.

Section 3: Introduction

Background to the Consultation

6. The consultation on Historic Scotland's Guidance Notes – Managing Change in the Historic Environment commenced on 31 August 2009 and the consultation period closed on 8 December. It is available at: www.historic-scotland.gov.uk/closedconsultations.htm
The consultation invited views on the guidance set out in the series of documents, the layout of the documents and on the range and scope of future guidance notes.

Report Objectives

7. This document fulfils the requirement for an Analysis Report set out in the Scottish Government's good practice guidance on consultation. The objective of this report is to analyse and report on the responses made to the consultation on Historic Scotland's Guidance Notes – Managing Change in the Historic Environment.
8. The report does not set out Scottish Ministers' comments on or responses to those suggestions. The inclusion of a comment or suggestion does not imply that any contribution is accepted as accurately characterising the actual policy position or what may be taken forward should Scottish Ministers wish to approve and launch the series of guidance notes.
9. You can find a summary of the findings of the consultation in section – Copies of this report can be downloaded from www.historic-scotland.gov.uk/closedconsultations
Printouts may be requested from:

Historic Scotland's Inspectorate
Longmore House
Salisbury Place
Edinburgh EH9 1SH
Or hs.inspectorate@scotland.gsi.gov.uk

Methodology

10. The response data were recorded, organised and summarised on a spreadsheet. A record was made of the key themes and issues raised. A frequency count was made of the overall number of responses by interest group and of the responses to each question. A qualitative analysis was then carried out using this framework. The summarised data for each question were reviewed and key themes and views were identified.

11. The findings of this report are specific to the consultation exercise and do not necessarily reflect the weight or range of views within the population as a whole.

Distribution and advertising

12. This consultation was advertised in the 'forthcoming' section of the Scottish Government's consultation web-pages on 5 July. Organisations and individuals registered with the SE-consult alert service were notified of the consultation. Sixty-nine stakeholders and organisations were also notified by email at the beginning of the consultation period.

Section 4: Responses

Introduction

13. The following statistical analysis sets out the number of organisations and individuals who responded to the consultation document in writing by interest group/sector and compares them to the numbers who were notified about the consultation exercise. The consultation asked 4 questions, a breakdown of the responses to the questions asked is provided.
14. Written responses from consultees who agreed that their submissions be made public are available [here](#) at; www.historic-scotland.gov.uk/consultation-responses-managing-change.htm. Responses can be viewed at the Scottish Government Library, F Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD. Copies of responses can be provided by post. Charges for photocopies are made on a cost-recovery basis. To request copies by post, enquire about charges or make an appointment to view responses, telephone 0131 244 4565 or email SGLibrary@scotland.gsi.gov.uk.
15. Some organisations represent more than one interest. In these cases the general nature of the response has been used as a guide in order to facilitate the statistical analysis.

Breakdown of Responses

Responses by interest group/sector

16. A total of 38 responses were received to the consultation. A breakdown of responses by interest group/sector is provided in table 1 below.

Respondent Type	Number	% of all respondents
Private individual	6	16
Local authority	7	18.5
Heritage body	5	13.5
Amenity Group	0	0
Private sector	6	16
Public body	7	18.5
Professional body	7	18.5
Total	38	100

Table 1: Responses by interest group/sector

Responses by interest group/sector relative to distribution list

Respondent Type	Invited	Invited Responded	% Return	Uninvited Responded
Private individual	0	n/a	n/a	6
Local authority	32	7	22	n/a
Heritage body	5	5	100	0
Amenity group	3	0	0	0
Private sector	6	6	100	0
Public body	12	7	58	0
Professional body	9	7	71	0
Total	69	38	n/a	n/a

Section 5: Findings

Breakdown of Responses to Consultation Questions

17. A breakdown of the responses to the consultation questions is set out below.

Content of Guidance Notes

Question	Yes	No	Qualified with statement	Question not answered
Do you think the guidance notes present Scottish Minister's advice on the Historic Environment in a clear and consistent manner?	18	12	30	8

Key Comments

18. 47% of all respondents agreed that the guidance notes present Scottish Minister's advice clearly and consistently, all with qualifying statements. The majority noted that the drafts set out advice clearly and concisely.

"The guidance notes are well presented and easy to read. They form very good reference documents, which highlight the diverse nature of Scotland's Built Heritage." (a planning authority).

"Overall it is considered the notes provide clear and informative advice for their intended users, i.e. property owners and developers, professional advisors, Council officers and Members. It is particularly helpful to have up-to-date advice on renewable energy and energy efficiency measures." (a planning authority).

19. Respondents who disagreed (31%), raised concern regarding loss of detail previously contained in the Memorandum and that the language used may not be robust enough to support Planning Authorities at public enquiries.

20. Loss of detailed advice previously contained in the Memorandum was raised by several respondents:

"Much detailed policy guidance and advice from the Memorandum is lost. As well as a reduction in the level of detail and content of

guidance on topics covered in the draft MC series, there are gaps in subject areas covered.” (a professional body).

The Guidance Note series sets out Scottish Ministers’ advice previously contained in the Memorandum in a recast, accessible form, presented as overarching principles in line with the Scottish Government’s reform of the planning system. Local Authorities may use them in developing their own policies and supplementary guidance.

21. Concern that the use of language such as ‘can’ and ‘could’ rather than ‘should’ or ‘must’ was not robust and therefore unhelpful was raised by a number of respondents:

“Broadly speaking, the guidance is less detailed than the Memorandum. Furthermore, as a consequence of terminology such as ‘should’ and ‘rather’, it makes it difficult to use the Guidance Notes as a reason for refusal of an application for either Planning permission or Listed Building Consent. Reliance on the guidance would also be problematic in cases which involve persecution through the courts given the language is relatively general and vague and lacks clarity.” (a planning authority).

Use of language in the documents has been reviewed where appropriate in light of comments received to ensure clarity. The Guidance Note series is presented as overarching principles. Local Authorities may use them in developing their own policies specific to their own circumstances.

22. Presentation of guidance for repair and alteration of windows was raised as a concern by a number of respondents:

“Although there are many sensible comments on how to alter and replace timber sash and case windows, clearly double glazing presents a problem. The dichotomy is, conserving energy versus conserving traditional windows.” (a heritage body).

“..several areas of useful advice on windows have been omitted from the new guidance. The leaflet does not offer the same level of guidance as did the previous Memorandum of Guidance on listed buildings and conservation areas and there would appear to be no clear reason for this.” (a planning authority).

The draft Windows guidance note has been reviewed taking on board concerns raised and new research findings. Presentation of the principles to be considered in relation to repair and alteration of historic windows has been amended to provide greater clarity. The

focus in the series on providing clear principles for managing change in the historic environment requires less detailed advice than that previously included in the Memorandum.

Layout of Guidance Notes

What are your views on the layout and use of images of the guidance notes? It would be useful if you would consider:	Answer given	Question not answered
How easy the documents are to read?	26	12
Are the documents accessible?	26	12
Do you think the images are appropriate for the issues they illustrate?	24	14

Key Comments

23. 69% of respondents provided feed back on the readability and accessibility of the documents.

"The format and layout seems consistent and logical, while the multiple title approach and online format should prove more accessible than the old, single volume for easy reference and for future amendment/addition to the series." (a planning authority).

24. The format was welcomed with the need to include a glossary, numbering system for the text and for cross referencing among the suggestions raised.

"The documents would benefit from paragraph numbering if is intended to use the documents in public enquiries." (a professional body).

"The guidance lacks a glossary and definitions which would be beneficial." (a planning authority).

A paragraph numbering system will be included in the guidance notes. An on-line glossary is in preparation. A Link will be added to the guidance notes once the glossary has been finalised.

25. The use of illustrations was welcomed by 62% of respondents. It was suggested that greater effort should be taken to directly relate images to the text.

"While the images used in these draft notes are generally good, it would be even better if they directly related to the text, for instance providing examples of good (or unacceptable) practice." (an amenity Body).

The use of images in all documents will be reviewed to ensure they illustrate the principles set out in the text.

Future Guidance Notes

26. 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?
27. 22 respondents made suggestions for topics to be considered for future guidance notes, see table below.

Topics for Future Guidance Notes
Case studies of good practice
Conservation Areas
Windfarms
Specific Archaeology guidance
Modern design in the built historic environment
Enabling development
Assessing impacts on culturally significant historic assets
Gardens and designed landscapes
Fire damage
Specialised building types
Curtilage
Development affecting listed buildings and their setting
Buildings at risk
Unscheduled archaeology
Public realm/streetscape
Application of Building Standards