

Notes from BEFS and Historic Scotland consultation workshop 11/11-09: Managing change in the Historic Environment – guidance notes

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1. ABOUT THE WORKSHOP

This workshop was held jointly by the Built Environment Forum Scotland (BEFS) and Historic Scotland (HS), 11 Nov 2009, at the Royal Over-Seas League, Edinburgh. The purpose of the workshop was to give stakeholders an opportunity to learn more about the proposed guidance notes, provide feedback to Historic Scotland and inform BEFS' response to the consultation.

The workshop was attended by 42 people, including 6 staff from HS and 2 staff from BEFS. (Attendance list attached).

6 of the 14 guidance notes consulted on were discussed in more detailed in break-out groups, based on participants preferred choices. Setting was cover in 3 break-out sessions; Micro-renewables in 2 sessions; Boundaries, Extension, Demolition and Windows ran once each.

Participants were also given the opportunity to provide written comments. These have been included in the report either as general comments in plenary / summing up xxx or if relating to a specific topic after the relevant break-out group discussion note.

2. INTRODUCTION

Simon Gilmour, Board Director of BEFS and Convener of BEFS Historic Environment Working Group, welcomed everyone to the workshop, and left the floor to Jim MacDonald, deputy chief inspector at Historic Scotland to make an introduction to the proposed guidance notes.

These guidance notes have been developed to replace the Memorandum of Guidance. HS is currently consulting on 14 guidance notes on separate topics; there is an intention to develop notes on further topics in the future.

The main reasons for replacing the Memorandum are:

- The planning system is reforming
- Policy aspects of the memorandum is published in SHEP

- Previous guidance focused only on historic buildings, there is an intention to cover the wider historic environment with the new notes.
- The memorandum was outdated
- A wish to move away from detail, and instead focus on principles and how to go about addressing an issue.

The aims and objectives of the new guidance notes are:

- To maintain the conservation standards of the Memorandum
- To present these as a set of principles
- To extend the scope of the advice
- To review the format of the advice
- To look at areas not previously covered
- To consult widely with stakeholders
- To align the advice in support of planning reform

Q&As

Q: Advice to Local Authorities have more or less been removed. Where has it been transferred? Are you confident that it will appear somewhere? Will there be a chance to comment on advice to Local Authorities?

JM: These guidance notes are meant to be also for LA planners. The information that would not be included is factual. Interim guidelines are currently available on HS website, and will remain there. There may be an option to re-cast these somehow?

Q: Would that have the same status as the memorandum?

JM: No, it would not be considered as planning policy or advice. The information would just be made available. There may be some information there which should be included in the guidance notes. Please be mindful that the notes should be kept to principles.

Q: There is a real monetary value in keeping and caring for the Historic Environment. A paragraph covering that would help engaging with developers.

JM: We recognise and agree that this is very important, but don't feel this type of information can be included in the leaflets. Maybe this could be a future document? Or a separate exercise on social / economic value of the Historic Environment?

Comment: Note that listed buildings and historic buildings are not interchangeable. It has to be made clear that/if guidance for LB applies also for HB.

Comment: It would be useful with examples of application and outcomes of the applications.

Comment: The language used is too weak, it wouldn't stand up in court.

JM: It has been a deliberate move away from conditional language, it's meant to guide. We do think this will support planning, if you feel this is wrong, please tell us what you think should be changed.

Comment re what will be considered material consideration: ALGAO pressed to include archaeology as a "material consideration" in the SPP revision.

JM: planning advice is that only the local authority can set out what is a material consideration through development plans and SPD. There will also be a formal part of the framework, a circular with legal bits, which will/should include that advice from guidance must be taken.

3. BREAK-OUT GROUP DISCUSSION

3.1 BOUNDARIES

General comments

- It is clear that the starting point for this guidance is listed buildings guidelines. Agricultural / rural / organic borders are not well, if at all, covered. It was felt that SHEP covered more, and that this not only covers the “crème de la crème” of boundaries.
- The explanation for hedgerows not being included is that they are not defined as development.
- The guidance is prepared with designation in mind; it's missing out of the HE which is not designated.
- There is grant aid through rural development programme for managing boundaries. Advice on this is weak in the guidance note. HS refers to advice from Archaeology Scotland on that. Participant response was that advice from AS will not be considered as authoritative as if it comes from HS. – And if HS is relying on information from other organisations, HS should provide clear reference to that in the guidance.
- Guidance in relation to hedges challenging as different councils define hedges differently (eg a beech hedge can be defined as trees or as a hedge).
- Designated landscapes, marked on a map, have a boundary. That's not referred to in note.
- HS: designated landscapes already have extensive guidance. On request from participants to know where, HS could not tell.
- Here is an opportunity to link natural environment and built environment.
- There was a call for more examples of best practice. This was seen to be more useful for the building sector.
- In this area there are other agencies involved. There is a need for links to other organisations. There was a feeling that there generally is a lack of holistic integration.
- HS: maybe the overall link should be in SPP? [There was no direct response from participants to this suggestion.]
- Uncertainly about what is considered “material consideration” (would eg WOSAS advice be?)
- HS asked about using the term “curtilage”? Participant response was quite negative to this, wishing to avoid it.
- There is a need to use the same language, same definitions as in the planning system.
- It is questioned what is understood by ‘structure’. Is a hedge a structure? There is a definition (in the planning system?): something built, intentional.
- Who is this document for? A layman won't know the definitions. A glossary – or at least reference to a glossary – must be included.
- There is a glossary based on definitions in primary legislation and court cases on Heriot Watt University website.

- There were concerns about the strength of the language used. It is overly apologetic: 'might be' and 'can be' should be changed to 'are', and the general use of 'should' won't stand up in court.
- If HS had intended for this to be used by planning officers to be used to take decision, HS will probably need to re-think. LA participants felt they would not use this.
- HS: This is guidance, hence 'should'. Decisions lie with LAs, not HS. The guidance meant to empower judgement.
- A repeated call for use of best practice examples instead.
- These guidance notes are trying to do too many things: providing general guidance on HE as well as being a planning tool.
- All/most headers in the document include 'treatments'. The title of the note implies differently. Coherence is requested!
- Scotland has signed up to the European landscape convention. This talks about wider interpretations of boundaries, not just for designated sites. This should be recognised in the note.

Detailed comments on note

- Page 2:
 - Change 'can be' to 'are' in 1st point.
- Page 3:
 - The end of 1st "boundary treatment' paragraph regarding hedgerows is incorrect; That's for England not Scotland.
 - it should be clear that planning decisions are taken from LAs, and something along the lines 'if in doubt contact your LA' included.

3.2 DEMOLITION

General Comments

- Not useful to planning authorities – the parts of the MoG which apply specifically to Planning Authorities are missing here.
- Emphasis should be on retention not on reasons to demolish.
- Wholes series – not enough celebration of heritage.
- Salvage and sustainability should be a key issue.
- No reference to: curtilage, finding new uses, site clearance in Conservation Areas, effect on symmetry, additions of real quality should be kept – all in MoG currently.
- Doesn't refer enough to setting/curtilage/groups.
- Section on difference between demolition/alteration is not clear.
- Reference to embodied energy should be in Key Issues and the economic benefit of retaining historic buildings – with examples (Inchinnan, Castlemilk).
- No mention of quality of replacements for demolished Listed Buildings. However, it was noted that this is a different process than that for Conservation Areas – once the building is lost there may not be any design constraints.
- Importance of looking at a building in context and understanding what you have before you change it needs to be stressed – particularly for partial demolitions.

- Should refer to possible need to Planning Permission.
- Should other guidance notes be cross references under definition? – for instances of alterations rather than demolition.
- Should emphasise the positives of retention e.g. can stimulate regeneration; planning authorities can work with owners to enable repair and retention.
- Should refer to the economic value of a building once restored.
- Should advise applicants to involve HS ASAP if demolition is being considered. They may be able to advise on condition etc. This is mentioned at end of p.4 but should perhaps be moved up.
- Would it be possible to propose a step-by-step process similar to that in the Setting note? i.e:
 - Establish significance of building
 - Then look at options/feasibility....

Economic Viability

- Enabling development could be mentioned.
- There is a need for independent assessment – maybe the PA should control the process but the developer pays?
- Further guidance needed on ‘reasonable period’ for marketing.
- Need for properly qualified professionals to produce the reports.
- Evidence of marketing should be part of the required evidence.

3.3 EXTENSIONS

General comments on note

- There is a strong request for cross references (eg in intro section). For this leaflet it’s especially important in relation to what is covered in ‘roofs’ guidance rather than in ‘extensions’.
- Each note should include a list of all guidance notes.
- Need for clarity about the status of cross references made. Would references eg to external organisations, case studies be considered to be material consideration or not?
- Need to mention / refer to relevant LA guidance (Supplementary Planning Guidance).
- There is a need to refer to – ensure reader is aware of – legal and planning bit to extensions (or any work requiring consent). [I.e. it’s not necessarily ok to do your extension just because you follow this guidance]
- Need for a technical vocabulary / glossary.
- This guidance is much more helpful in terms of accessibility for private persons; The old memo was felt to be for practitioners.
- The pictures are very good – but they hardly relate to the text. It would be much more useful if there was a picture exemplifying the guidance, with information about whether the example is seen as good practice or not.

- It should be made clear that in some instances extensions are NOT acceptable.
- Currently confusion about the use of the terms listed buildings and historic buildings. There must be consistency and clarity if this refers to listed buildings, historic buildings or both.
- The note earlier called additions and extensions – has the additions bit been lost? There is a need to sort out use of ‘additions’ / ‘extension’.
- Wish for a mention of the economic value of HE /importance of caring for the HE: The view that it is our responsibility to be guardians for our heritage now.
- Design statement missing. There is generally a need for design guidance. Not even A+DS has that. HS: should this a stand along guide? [participants not dismissing the suggestion, but also not immediately welcoming it]
- In the Settings guidance there is a 3-step analysis. That could usefully be included in all. Pointing out what steps you need to go through.
- Address authenticity of building, and the significance of the building. Could be part of analysis process (or on page 1).
- There could usefully be more detail on materials.
- There should be more guidance relating to small buildings, that’s what most people will use this for.
- Internal lifts is missing. (May it be included in another note? - again need for cross ref.)
- The document is running out of steam towards the end. – Now what? There could usefully be a paragraph concluding the note, eg ‘if you follow steps in this guidance it will considerably your application’.
- It would be helpful with examples of good practice on different scale – and why it is.
- Include sustainability issues: eg how HE is adding value, embedded energy, better to extend than demolish. There is a paragraph in windows guidance re sustainability that could be included generally.
- Include setting the profile for the building – eg part of analysis process.
- Amenities: Spell out what is meant re ‘icons’.
- The note generally not well written, not quite making sense.

Detailed comments on note

- Page 2, intro:
 - Paragraph 2 redundant
 - Include a reference to already existing guidance for owners of listed buildings
- Page 4, contextual design:
 - What is meant by ‘Complementary’? ‘Appropriate’ instead?
- Page 4, Replication:
 - “Where buildings standards apply...” Q: are there any examples when they don’t? Otherwise this information is pointless.
- Page 5, Extension to ground plan:
 - Change ‘ground plan’ to ‘floor plan’

- 3rd and 4th point: important wording lost compared to MoG: 3: the guidance that it should be refused; 4: that LA take the decision.
- “As far as possible” generally missing

Written comment

- Need for an analysis section
- Should not be a presumption that any building can take an extension, some building should not be extended and this should be stated – would be part of analysis.

3.4 MICRO-RENEWABLES

Summarised notes from two break-out groups.

During the break-out session two case studies of solar panels in Edinburgh within World Heritage area were examined (one approved & one refused on basis of cumulative impact).

General comments on note

- Guidance on this new topic welcomed. The old MoG rather negative to installation of micro-renewables.
- There is no mention of embedded energy. There is an issue throughout the series, that there is no or little mention of the contribution of the built environment can make to climate change.
- This note is generally better written than the others, and is generally a very helpful document. It almost has the analysis bit, even if it hasn't got the section header for it. (referring to page 4 - principles)
- There are concerns from archaeologists present on ground source heat pumps.
- Despite statements on page 3, the note focuses almost entirely on buildings.
- There was concern regarding non-visible impacts (eg noise of turbines)
- Choice of generator critical for built environment but this note didn't give sufficient information and direction to encourage the right decisions to be made. Risk that public is not getting balanced comparators. Combined heat and power plants (not technically micro-renewables as requiring planning consent) may be more efficient.
- Energy Savings Trust link(<http://www.energysavingtrust.org.uk/scotland>) for defining appropriateness of technology not given (eg micro-turbines useless in most urban settings).
- There is a need to refer to LA's own guidance.
- In the old MoG there were column references to relevant legal bits, which was very helpful. That is missed in these notes; there is a need for some sort of cross referencing.
- Could on-line version make links to case studies? Eg the pictures? Other parties should work together with HS to provide / set up case study information. Could it build on HELM initiative?
- The guidance notes should make clear that micro-renewables are part of a larger package, including energy saving. There should also be links to cutting-edge organisations on micro-renewables.

- In HS, Technical Conservation Group and policy team to take a lead on micro-renewables best practice.
- There is a need for a concluding paragraph: Eg if you take all of this into account, and provide adequate information, it will make the application process easier.
- Criteria for solar panel installation should correspond to criteria for windows / roof lights installations. Need for cross-referencing between micro-renewables, windows, roofs, extensions.
- Guidance is not covering view from the air [no conclusion though if that was good or bad, just stated]
- LA have their own agendas and principles. Important to try to ensure they are not detrimental to new technologies. HS should promote micro-renewables, encourage the use.
- There is a need for this guidance to be reviewed frequently as this is fast evolving technology
- Could there be links also to English/UK (even foreign) examples of best practice?
- If people want to embrace new “planet-saving” technology, LAs and HS should not stand in the way.
- Could HS influence industry to produce micro-renewables suitable for historic buildings?

Detailed comments on note

- Page 3:
 - Background section is good.
 - Move up paragraph re Government target
 - Energy efficiency: amend ‘should be optimised *before*...’ - to “in addition to “
- Consents:
 - First paragraph ok, after that it gets confusing (but it was also acknowledged that it is a confusing issue)

3.5 SETTINGS

Summarised notes from three break-out groups.

In general everyone felt that this was a good document but key words and enforceable language was missing. There was much debate by all three groups as it was not clear who the document was to be used or read by. The need for clear definition of what was a setting required. That infrastructure had been missed out, dealing with parking, sympathetic engaged areas and skyline.

Key Issues

Group felt that question 4 needed further definition of what a setting was and develop what triggers a setting, also examples of how to enhance a setting. Question 6 raised issue with regards to Local Authorities (LA) operating SPG’s leading to confusion between LA and HS documents. This led to discussion on additional layer being added to process and LA’s use of this document. There was concern that if the wording was stronger there may be a requirement for Government to Fund LA’s if enforcement is applied.

What is a setting?

There was further discussion with regards to the terms and word use eg Historic Environment, listed buildings. Concern was raised as people had different definition and understanding for these terms, suggestion for a glossary to be included. It was also felt that the use of the word 'often' was not required in final sentence. Clarity is required to highlight timelines, archaeological sites and impact. There was concern for the use of the word 'structure' as this did not represent landscapes and gardens and did not support what was in SHEP 3. Suggested alternative words: 'asset' 'place' or 'features'. HS emphasised that the judgment of a setting should be base on what is now/current.

What contributes to setting?

There was concern that the document was more for buildings/structure and that landscape and gardens may require a separate document. Further factors to be included in list orientation, microclimate, buffer zones, world heritage sites and passive design.

Assessing the impact of new development

Discussion made suggestion of planning framework which would give a structure for people to buy into local community involvement but there was need for more referencing. There was also concern of boundaries, where does it stop, was it a case by case issue, relationship of boundary to setting. It was felt that clarity again was need in this area or good case examples or illustrations. Gardens and landscapes were again raised as a concern and when asked HS replied that nothing was pending but that is was through the consultation response system that there is the opportunity to highlight the need.

In stage 1 it was felt that the 1st sentence in second paragraph was not clear and again brought the discussion to who would use the document. It was also felt that scoping was a crucial party to this and a helpful list of where advice and information is available would be good. Concern also for the last sentence, is it needed or should HS be recommending who should do the work?

In stage 2 it was felt that the use of the word 'curtilage' (2nd paragraph) was misused and that 'appreciate' (1st bullet) not strong enough. It was also felt that stage 2 required a more firmer tone, to many maybes.

Stage 3 had concern for wind farms but HS advised that this would be a separate document. Again request for linkage to ensure all relevant documents are read together. Again concern of who would use this document as judgment on evidence would be case by case. It was felt that wording should be use to clarify this. Suggested that the word 'As' is removed from opening paragraph, bullet point 4 the word 'appreciate' needed to be strengthened.

Some felt there was a need for a forth stage – valuation. Recommendation for conservation area appraisal would also be useful tool.

Mitigation

Felt that it gave a positive spin with halfway options.

Other comments

At various time throughout the three workshops the HS staff explained that this was still a work in progress document and asked for contribution for suitable word / terms to use, case studies and illustration or photographs for good examples. Also asked if any further topic required covering in this series of documents.

LA's felt that this was a key document but needed more detail, not rigorous enough, that it grasped at issues that needed tided down. The topic should be direct and interesting to all stakeholders. Regarded as an advice note but felt SPP etc would be more suitable for enquires/ legal work.

Summary

- Clarification of who will read/ use this document, LA, Professionals or public.
- Review of language to ensure clarity and in an enforceable context.
- Numbering of the paragraphs and section for clarity of use in a legal context, public enquires.
- Use of appropriate illustration / pictures next to appropriate text.
- Reference section to ensure reader is referred to other relevant HS publications to ensure that all relevant publications are read together. Suggested hyperlink if used on line.
- Withdraw reference to ICOMOS & HHS on page 8 as not applicable in Scotland
- Need for case studies to be available and suggestion for on-line library of good/ bad examples by HS.
- Further reference section to case law.
- The reports short ending and could benefit from closing summary.
- Website of do's and don't by HS.
- Concern for the use of the memorandum, what part are obsolete and are not.

3.6 WINDOWS

General comments

- Guardianship of historic environment and the rights and responsibilities that come with that should be a key issue.
- Energy efficiency vs. historic environment is a key issue and should be discussed further.
- Concern at the phrase "Double glazing is acceptable" in Key Issues – dangerous phrase to include.
- Lack of information on conservation area issues – HS indicated that they wish to focus on strategic/national issues such as listed buildings. HS is not currently involved in development management in Conservation Areas.
- Document needs to refer applicants to the planning authority for advice as they may have different policies.
- An applicant should have to provide evidence for removal/alteration – the need to replace is often just an assertion by the homeowner.
- Pictures not clearly enough related to the text.
- Loss of original glass is also important and should be emphasised.

Written comments

- Not all double glazing is the same. Slimlite double glazing can be put into existing windows. The guidance doesn't make this differentiation.
- There is an emphasis on timber on timber sash + case window which is important but guidance on other types of windows would be useful ie metal.

- Concern about reference to double glazing on page 8 what is ‘closely as possible’ what does it mean, subjective.
- Important to give reference to local authority guidance – this could be different from the HS guidance note. Could this be misleading?
- Too much text on identifying interest in historic buildings.
- Not enough on the value of retaining original glazing from sustainable development point of view, more emphasis on alternative ways of achieving energy efficiency – roof insulation draft proofing.
- Secondary glazing not always satisfactory way of achieving double glazing.
- Should be more emphasis on keeping historical glass.
- Inclusion of all type of historic buildings ie listed buildings, conservation area etc
- Embodied energy vs cost of replacement.
- Maybe wording should be “demonstrated that they are beyond reasonable repair”
- Headings: Listed buildings , conservation areas etc

4. SUMMING UP

The chair summarised key points raised during the day, and asked group facilitators and participants for additional comments.

Key points

- There seem to be severe doubt whether these guidance notes are at all the right documents. It is unclear who these notes are intended for. There is a tension between usefulness for practitioners/planners and everyone else.
- Guidance falling between technical documents and public advice.
- There is a clear need for a glossary as well as cross references
- The language used in the documents is too weak; it is lacking clarity and is often apologetic.

Additional comments

- It was felt that vital points have been lost compared to the Memorandum
- There was a view that the title Managing Change isn’t respectful enough of the Historic Environment and the need for protection of it.
- Images should be used to illustrate the guidance given. The on-line version should link to case studies.
- There is a need for editorial check; the language used is not consistent between different notes – or even all through a note.
- The new notes meant ‘to maintain conservation standards of the Memorandum of Guidance’, but there is concern that these documents don’t do this.
- There is a need for paragraph numbers

Target audience

The chair asked participants to indicate by a show of hands if these notes should be aimed at practitioners or the public. All but one felt that this guidance should primarily be for planners/practitioner.

For professionals these proposed notes are a backwards step: They are not sufficient to replace the Memorandum. There really is a need also for the detailed guidance.

It was questioned if the public really should be using documents from HS, rather than documents from their Local Authority?

Written comments

- Need for consistent and effective wording to explain “Historic Environment.”
- Use of the word ‘historic structure’ not suitable as it is a place and it’s varying constituent parts, archaeology, designed landscapes etc.
- Historic structures comprise of components – only suitable for buildings not historic landscapes, urgency for guidance on management and conservation of historic landscape and management change.
- Glossary at back of each document for clear definition and understanding.
- Use of the word ‘curtilage’ in settings document not really fully or adequately explained.
- Link between text and pictures unclear, illustrations need to be included for a reason with the caution drawing attention to the points.
- Felt breakout session too short and maybe allowing attendees a full day on a topic if they were really interested.
- ‘Managing change’ implies an ‘oh well just demolish/ extend and double glaze then we are an agency of a positive government.
- Inform guide series arguably poorly titled too, they’re maintenance guides and brilliant ones.
- This guidance fleshes out for the lay reader/ owner the legislative framework that is in place to *protect* the built. Suggest ‘Conserving your heritage’ a series of documents for owners of historic buildings.
- Right tone and words are hard to find, craft and boil down, may think of a better, snapper title yet.

5. ACRONYMS

HE	Historic Environment
HS	Historic Scotland
LA	Local Authority
MoG	Memorandum of Guidance
SPG	Supplementary Planning Guidance