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Panel Secretariat
Independent Review of the Scottish Planning System
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Dear Dr Simpson,

Independent Review of the Scottish Planning System

This evidence

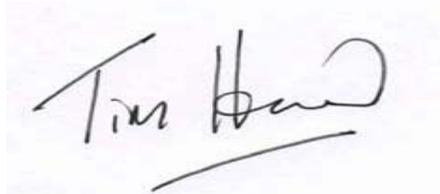
Thank you for the opportunity to provide evidence to this Review. Written evidence submitted on behalf of the Chartered Institute for Archaeologists is attached.

The Chartered Institute for Archaeologists

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. CIfA promotes high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provides a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,300 members and more than 70 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. This evidence has been prepared with the help of CIfA's Scottish Group.

Yours sincerely,



Tim Howard
CIfA Senior Policy Advisor

Independent Review of the Scottish Planning System

Evidence of the Chartered Institute for Archaeologists (CifA)

Executive Summary

1. The Scottish planning system currently provides a coherent, and in many respects effective, framework for the management and protection of heritage assets in Scotland, recognising the crucial role which the management and protection of the historic environment plays in facilitating the timely delivery of sustainable development.

2. That is not to say that the current system cannot be improved, but any reforms should not undermine the mechanisms necessary to manage and protect the wide range of heritage assets comprising the historic environment.

The Current Scottish Planning System

3. The Chartered Institute for Archaeologists (CifA) is concerned with the operation of the planning system insofar as it affects the historic environment. In this regard, the impact of development upon the heritage assets (whether designated or undesignated) is currently recognised as a material consideration and addressed in planning policy and guidance (Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP), PAN 02/2011: Planning and Archaeology) and plan-making and development management.

4. Furthermore, the Historic Environment Strategy (Our Place in Time) and Scottish Archaeology Strategy provide a vision and a framework for the contribution of the historic environment to the delivery of public benefits through the planning process.

5. One of the biggest threats to the delivery of that benefit through the management and protection of the historic environment is not the lack of a cohesive framework, but the lack of resources effectively to operate that framework. Local authority historic environment and archaeology services are under (and in some cases have succumbed to) intense financial pressure. In addition, the economic crisis which we all face has prompted streamlining and relaxation of planning control which has not always fully recognised the need properly to assess and understand the implications of development for the historic environment.

Weaknesses of the Current Planning System for the Historic Environment

No statutory duty

6. Historic Environment Records and Sites and Monuments Records (hereinafter referred to as HERs) and the archaeological services which support them are crucial to

the efficient management of the historic environment and to the timely delivery of sustainable development, facilitating early assessment and evaluation of heritage assets and the impact of development upon them – a key requirement for developers (see, for instance, paragraph 15 of PAN 02/2011). However, there is no statutory duty to maintain or have access to them which makes HERs and the archaeological services which support them particularly vulnerable to the economic pressures noted above¹.

Over-emphasis upon economic considerations in sustainable development

7. A failure in the past fully to reflect the equal importance of social, environmental and economic considerations in sustainable development has at times resulted in economic considerations dominating. Furthermore, the historic environment is sometimes seen as an unnecessary constraint upon development rather than as a key contributor to regeneration, place-making and identity.

Environmental concerns often focus on the natural environment

8. Furthermore, environmental considerations are often limited in decision-makers' minds to the natural environment (overlooking the importance of the historic environment in this regard) and the ecosystems services-based approach to environmental management and protection often largely excludes consideration of the historic environment. The historic environment has a social (and economic) dimension, but also an important environmental one.

The relaxation of planning control

9. A desire to streamline and simplify (intensified in the wake of recession) has led to relaxation of planning control in principle (for instance, with the extension of permitted development rights) and in practice (for instance, with the desire to reduce information requirements).

10. The extension of permitted development rights is particularly threatening to undesignated assets (which do not require other consents for works which affect them) and to the settings of designated assets (which often do not require other consents for works which affect them), notwithstanding the greater use of 'Sites of Archaeological Interest' (as defined in the General Permitted Development Order) in Scotland (as compared to elsewhere in the United Kingdom) to exclude land from the benefit of permitted development rights. Many of the safeguards for the historic environment in the current system pre-suppose an application for permission and can be by-passed if an application for permission is not required.

11. The desire to reduce information requirements involves a disproportionate threat to archaeological remains given the nature of archaeological evidence (which is often difficult to detect, very vulnerable to physical disturbance and unpredictable in terms of its character and level of significance). Most archaeological assets are undesignated

and their nature and extent is often unknown, so that potential assumes much more relevance than in other areas of consideration.

No conservation principles

12. England² and Wales³ have both published Conservation Principles which underpin the approach to protecting historic assets and, in particular, undesignated historic assets. Moreover, in England the notion of ‘archaeological interest’ (as opposed to ‘historic interest’) has been developed to assist in the consideration of heritage assets with archaeological interest⁴. These are powerful planning tools which Scotland currently lacks.

13. The above analysis has implications for all six key areas to be considered by the Panel.

Development Planning

14. ClfA strongly supports the plan-led system which has a significant part to play in ensuring that the historic environment is addressed appropriately and as early as possible in the process enabling the timely delivery of sustainable development. Strategically, plans and policy should be underpinned by a clear understanding of the nature of archaeological evidence, the nature and extent of the resource and the potential impacts of development upon it and of the contribution of the historic environment to sustainable development. The Historic Environment Strategy and the Scottish Archaeology Strategy are a good starting point, but there needs to be more.

Housing Delivery / Planning for Infrastructure

15. The economic imperatives for housing and infrastructure delivery (which are understood) must be balanced with the need to protect the historic environment. Support for archaeological and other historic environment expertise will facilitate the delivery of sustainable housing and infrastructure and not impede it.

Streamlining Development Management

16. This is desirable but we must not throw out the baby with the bath water. The relaxation of planning control, insofar as it excludes archaeological assessment and evaluation, for instance, through the extension of permitted development rights and the reduction in information requirements ultimately produces unsustainable development.

Leadership, Resources and Skills

17. Archaeological and other historic environment expertise is crucial to the management and protection of the historic environment and sustainable

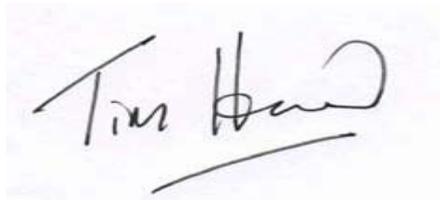
development. This is not limited to expertise in local authorities, but local authority services have a key role to play and should be supported. Expertise should be accredited, both at practitioner level (<http://www.archaeologists.net/regulation/accreditation>) and organisationally (<http://www.archaeologists.net/regulation/organisations>) and archaeological work should be carried out in accordance with professional standards (<http://www.archaeologists.net/codes/ifa>).

Community Engagement

18. This is central to the management and protection of the historic environment and reflects the need for the requirements of the planning system in relation to the historic environment to be for the public benefit.

Suggested Solutions

- A statutory duty to maintain or have access to an up-to-date HER supported by appropriate expertise (as is currently in the Historic Environment (Wales) Bill) in order to inform development planning and development management.
- Greater support from Scottish Government for local authority heritage and archaeological services.
- A Scottish version of the Conservation Principles used in England and Wales and development of planning policy to include 'archaeological interest'.
- Greater use of Sites of Archaeological Interest (as defined in the General Permitted Development Order) to exclude sensitive or potentially sensitive land from the operation of permitted development rights.
- Greater clarification in policy of the importance of the historic environment in environmental considerations and clear explanation as to how this is embraced in an ecosystems services approach to the environment.
- Scottish Government endorsement of the accreditation of archaeological expertise by ClfA (both individually and through the registration of organisations) and further recognition of ClfA Standards and guidance.
- The adoption of a Scottish equivalent of the *Southport Report on Realising the Benefits of Planning-led Investigation in the Historic Environment: A Framework for Delivery* (<http://www.archaeologists.net/sites/default/files/SouthportreportA4.pdf>)



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¹ For example, the Councils of East Dunbartonshire, Inverclyde and North Lanarkshire no longer retain the services of the West of Scotland Archaeology Service (<http://www.wosas.net/about.html>). These authorities now contract in archaeological services but this can be problematic unless the contractor is retained to provide all requisite services (including scoping which applications are archaeologically sensitive) and provide them in accordance with professional standards and guidance (see http://www.archaeologists.net/sites/default/files/CIfAS&GArchadvice_2.pdf). In addition, it is imperative that access to an up-to-date HER supported by appropriate expertise is maintained.

² <https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

³ http://cadw.gov.wales/docs/cadw/publications/Conservation_Principles_EN.pdf

⁴ This is defined in the glossary to England's National Planning Policy Framework (NPPF) (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) as follows:

'There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point'