

Planning and Architecture Division  
The Scottish Government,  
2-H South, Victoria Quay,  
Edinburgh,  
EH6 6QQ

[Planningreview@gov.scot](mailto:Planningreview@gov.scot)

10 August, 2017

Dear Sir / Madam,

**Places, people and planning: Position Statement - June 2017<sup>1</sup>**

Thank you for the opportunity to comment on the recently published position statement as regards the future of the Scottish planning system. This response is submitted on behalf of the Chartered Institute for Archaeologists (CIfA), a professional body representing archaeologists working across the UK and overseas, and the Federation of Archaeological Managers and Employers (FAME) the trade association for commercial archaeological organisations. Details of these bodies are provided in a separate appendix.

**Places, people and planning: Position Statement**

**General**

CIfA and FAME responded to Scottish Government's consultation on the future of the Scottish Planning System by a letter dated 4<sup>th</sup> April, 2017. Save insofar as indicated below the submissions set out in that response continue to represent the views of CIfA and FAME. A copy of that letter is enclosed for ease of reference.

**Specific Questions**

**Question 1: Do you have any views on the proposals contained within the position statement?**

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<sup>1</sup> <https://consult.scotland.gov.uk/planning-architecture/places-people-and-planning-position-statement/>

1.1 ClfA and FAME welcome Scottish Government's recognition of the need to ensure that environmental considerations (including those relating to impacts upon the historic environment) are addressed in bringing forward changes to the Scottish planning system.

1.2 In the response to the original consultation ClfA and FAME raised significant concerns about the failure to address such considerations and to promote sustainable development. The position statement and accompanying SEA Environmental Report go some way towards meeting these concerns, including recognition that

- *'planning for housing should recognise the importance of working with our environmental assets to create great places'* (position statement, page 10)
- proposals to implement the greater use of a more zoned approach to development must address *'the need for environmental assessment ... to be built into schemes'* (position statement, page 11)
- *'Priorities for training emerging from the responses include: ... archaeology'* (position statement, page 13)
- *'proposed changes intended to improve resources, grow skills and increase expertise for planning authorities, as well as the development of a 'Gatecheck' process for local development plan examinations, could also help in strengthening environmental consideration at the plan and project level'* (SEA Environmental Report, paragraph 6.1.2).

1.3 However, we are not convinced that the emerging proposals fully address these concerns. For example

- there is no satisfactory explanation<sup>2</sup> as to how proposals which would effectively by-pass the pre-application process of archaeological assessment and evaluation (such as those to increase and extend the use of Simplified Planning Zones and to extend permitted development rights) would, in reality, safeguard the historic environment and, in particular, historic assets with archaeological interest. Many such assets, both nationally and locally important, are undesignated (and, indeed, many are as yet undiscovered)
- the proposal to *'develop more specific proposals for adjusting preapplication consultation requirements which are more proportionate for allocated sites'* (position statement, page 7) is not accompanied by any clear commitment to ensure that adequate archaeological information and assessment is routinely available prior to allocation. There is still no recognition that adopting a zoned

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<sup>2</sup> Notwithstanding the consideration in paragraphs 3.3.13 – 3.3.19 and 3.3.25 – 3.3.26 of the SEA Environmental Report, as to which see below under question 3.

approach and increasing the status of allocated sites requires front-loading of the system in a way which intensifies rather than streamlines local plan production and the early stages of the development cycle. The reference to *'setting a minimum level of information to be provided alongside development proposals in the local development plan'* (position statement, page 6) begs the question as to what that level would be. Furthermore, discussion in the position statement of *'introducing requirements for more information on viability at the site allocation stage'* is confined to issues of *'viability'* and should unambiguously include the need for more information on the impact of development upon the environment (including the historic environment).

1.4 We also note Scottish Government's commitment at page 13 of the position statement to *'explore the scope for shared services'* and its expectation that *'there could be particular benefit in developing more effective sharing of expertise in some specialisms such as archaeology or environmental assessment'*. It is hoped that this exercise is a means to support the crucial work of hard-pressed local authority archaeology and heritage services (for instance, through improved training which we would welcome), rather than simply as a means further to deplete and stretch those services.

**Question 2: What are your views on the accuracy and scope of the information used to describe the SEA environmental baseline set out in the Environmental Report? (Please give details of additional relevant sources)**

2.1 We welcome the recognition in the SEA Environmental Report that Scotland's historic assets are *'unique'* and *'irreplaceable'* (Appendix A, paragraph 8.3) and that environmental protection objectives should *'extend to taking into accounting of [sic], and avoiding damage to or loss of currently unknown'* historic assets with archaeological interest. However, this overview does not adequately reflect the breadth and value of undesignated historic assets (many of which are of national importance), nor reflect the fact that for most, if not all, of these the planning system is the only effective source of protection. See, for instance, paragraph 151 of Scottish Planning Policy.

2.2 Notwithstanding the strategic nature of this assessment, an overview of Scotland's Historic Environment Records would give some indication of the nature and breadth of its historic assets.

**Question 3: What are your views on the predicted environmental effects as set out in the Environmental Report?**

3.1 We acknowledge that there are some potential benefits for the historic environment in the proposals (for instance, as noted with regards to a 'Gatecheck' in local planning and the commitment of improve resources, grow skills and increase expertise), but feel that overall the Environmental Report underestimates the likely harm to the historic environment from further streamlining and deregulation of the planning system.

3.2 In particular, we take issue with the contention in paragraph 3.3.13 of the Environmental Report that

*'Any proposals for development would continue to require planning permission, involving the relevant scrutiny and consideration. As a consequence, individual proposals would remain subject to statutory and non-statutory environmental assessment in the usual way.'*

3.3 This is not necessarily the case where the application process is dispensed with or modified, as would be the case, for instance, with local plan allocations<sup>3</sup> (position statement, proposal 5) and Simplified Planning Zones (position statement, proposal 12). The suggestion in paragraph 3.3.16 of the Environmental Report that *'by taking a more strategic, proactive and longer-term approach to consenting, rebranded SPZs provide an opportunity to front-load consideration of design, infrastructure and environmental matters'* runs contrary to the desire to streamline the system (see above). Furthermore, this approach could only work in practice if very significant additional resources and expertise were made available to local authorities to ensure that environmental considerations (including those relating to the historic environment) were fully taken into account on a site-by-site basis when granting planning permission. While there are general indications in the proposals of *'improved resources'* there is currently no commitment from Scottish Government to finance such work.

3.4 Consequently, we do not accept the suggestion in paragraph 3.3.19 of the Environmental Report that *'No significant environmental effects are likely to arise from the potential changes to SPZs'*.

**Question 4: What are your views on the findings of the SEA and the proposals for mitigation and monitoring of the environmental effects set out in the Environmental Report?**

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<sup>3</sup> Reducing pre-application requirements for sites allocated in local development plans could have a significant adverse effect on the historic environment if all appropriate archaeological assessment and evaluation is not required to be undertaken prior to allocation

4.1 As explained above, the '*in-built mitigation*' in the package of proposals outlined in the position statement is not in our view adequate to ensure the appropriate management and protection of the historic environment.

4.2 Moreover, while monitoring is an important part of the planning process, the finite and irreplaceable nature of the historic environment means that the emphasis must be very much on avoiding harm in the first place (see, for instance, paragraphs 150 – 151 of Scottish Planning Policy).

We would be happy further to discuss the issues raised in this consultation insofar as they affect the historic environment. In the meantime, if there is anything further that we can do to assist please do not hesitate to contact us.

Yours faithfully,

Peter Hinton  
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Chief Executive, ClfA

Nick Shepherd  
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Chief Executive, FAME

## APPENDIX

### 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 3,200 members and around 80 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 response was drafted with the aid of CIfA's Scottish Group which has over 250 members practising in the public, private and voluntary sector in Scotland. Furthermore, CIfA 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 its response to this consultation.

### Federation of Archaeological Managers and Employers (FAME)

FAME is the trade association for archaeological employers and managers. FAME represents one in three archaeological practitioners, employing the majority of archaeologists across the UK. Its membership includes over 50 archaeological practices, from small consultancies to all the largest contractors, from commercial companies, universities and local authorities across England, Scotland and Wales. In addition to representing its members' interests in matters of policy, its aims are to foster an understanding of archaeology across the construction and development sector and promote best professional practice, training and development, and a safe and healthy work environment.