

**Draft Historic Environment Policy:****Response by the Institute for Historic Building Conservation (Scotland Branch)**

December 2018

This response is made more difficult by the fact that the consultation document does not number adequately pages or paragraphs, and thus we have taken the view that providing this as part of the consultation response should clarify matters. It would be helpful in any future consultation documents if care was taken to provide paragraph and page numbers: surely this will make the job of those analysing the consultation responses significantly simpler?

**Page 1**

The seventh item of **Contents** here, *Delivery and Monitoring*, should either have an expanded heading including the *Review* of the policy, or indeed, more preferably, we suggest that the matter of policy review warrants a section on its own between items 7 and 8.

As far as the *Glossary* is concerned, it would be more helpful to those unfamiliar with such technical terms if they were either replaced in the text by plain English, or attended by footnotes, so that it is unnecessary to turn to Section 8 and therefore disrupt one's reading of the document.

**Page 2***Introduction*

Perhaps this section should begin by explaining who is producing the HEP, who is it for, what will its status be, what is it superseding or amending, and how might it fit with other policies?

*Paragraph 1*

There should be a reference here to the generations to come.

*Paragraph 2*

The historic environment certainly is valued for both its tangible and intangible aspects, but there is a clear need to explain and give examples of what these intangibles actually are, in plain English.

*Paragraph 3*

The term **vision** is not a helpful one, nor is it clear who **we** actually are. It might be better to use the term **aim**, and to explain the significance and role of *Our Place in Time*.

Presumably the heading here should read *What is the HEP for*, and what is the need for it?

*Paragraph 4*

It might be clearer to say that the *HEP* is designed to support and encourage good decision-making. Rather than good decision-making being merely open to challenge, it might be better to be *transparent*. The last sentence of this paragraph should read "Changes can erode its character, support its long-term survival, impact on its current management or even give us new information to improve our understanding of it".

*Paragraph 5*

In the second sentence there must be a clearer way of describing the historic environment which is both inclusive and yet recognises different views. What are the positive outcomes for the people of Scotland mentioned in sentence 3? Not everyone can participate in decisions that affect the historic environment. It is important that somewhere in this policy there is a recognition that preservation and conservation of the historic environment are important keystones of government policy: the words *preservation* and *conservation* must not be avoided.

**Page 3**

*Paragraph 1*

If this document is to mean anything useful it must spell out the *Vision and Aims of Our Place in Time*. It must also reference relevant principles in the international charters and conventions.

*Paragraph 4*

Presumably, second sentence, HES asked only some of the people of Scotland. They also spoke only to some of the people working in the historic environment sector: we are not aware that the Institute of Historic Building Conservation (Scotland branch) had the benefit of such a discussion.

*Paragraph 7*

It is important to understand who has produced this policy, and how it sits within a variety of policy frameworks in Scotland. The content of the present seventh paragraph here is of little practical value in its present form: if it is *guidance* then say so here. Guidance to whom will be the next question... the sentence attempting to describe *non-statutory* is particularly gnomic.

**Page 4**

*Paragraph 1*

This is an opaque and unhelpful paragraph. If the Historic Environment Policy is non-statutory, then it's guidance and not policy, isn't it? This needs urgent clarification...

Presumably at this point it would be helpful to list other policies, whether national or local, to which the HEP relates, and in which ways.

**Page 5**

*Paragraph 1*

Should there be *principles* and *policies* set out for each category of *challenges* and *opportunities*? A logical sequence might be to move from *Objects*, *Aims*, to *Objectives*.

*Paragraph 2*

This is a paragraph where a plain English approach might pay dividends. If it is not possible to write more simply, footnotes will be better than a glossary.

*Second bullet point*

Consideration might be given to the understanding of our present, past, and future. Both *character* and *significance* require to be identified.

*Fourth bullet point*

We are all responsible for increasing our knowledge as far as possible, and sharing it in an open and accessible way: in this case “we” should refer to owners, users, communities of place and of interest, as well as regulators.

We suggest that a fifth bullet point be inserted here, namely:

*To do this effectively, some form of publicly accessible plan will be required.*

*Paragraph 3*

Perhaps these decisions should be based on careful **appreciation** of cultural significance. ... to ensure that our historic environment can be **understood and valued** today,...

*Paragraph 4*

It may be fairer to say that the character, diversity and distinctiveness of our historic environment **evolve** overtime. **The historic environment** is fundamental to our sense of belonging...

*Paragraph 5*

*Third sentence*

It may be more conventional to list this range alphabetically, namely **economic, environmental, and social** needs.

It is important to stress the importance of sharing of knowledge about places, and the value of shared plan-making, so that folk, especially communities of place and of interest, feel that they have a stake in ensuring a positive future for their places.

**Page 6**

A place must first be **fully** understood **in all its dimensions** in order to identify its cultural significance. In the second sentence it might be better to talk about other **more** intangible **aspects**: we can think of no intangible elements with a physical presence, surely a contradiction in terms.

The third sentence might read:

*This includes thinking about how much of it has survived, how much of it has changed through time, **and** its wider context and setting, **physical and otherwise**.* In the final sentence of this paragraph, specific reference should be made to communities of place and of interest.

*Paragraph 2*

The first sentence here might read:

*Access to as much information and knowledge as possible **aids** understanding of cultural significance, and **the assembling and establishment of open and accessible** knowledge must be shared.*

Thus all of those with stakes in the conservation of the historic environment will be able to evaluate proposals to conserve, maintain, or change places from a common, informed viewpoint.

*Paragraph 4*

This is all very well, but where does the HEP sit in these processes? Is the HEP a **material consideration**, for example?

*Paragraph 5*

HEP1 might now read:

Decision-makers should adopt a holistic approach to the historic environment, incorporating an inclusive understanding of its breadth and cultural significance, **established in a transparent way with consultation with communities of place and interest, and held publicly in a manner which ensures that it is kept up-to-date.** In particular, any statutory duties of HES to evaluate formally, through such activities as listing or scheduling reviews, should be on a cycle which ensures that a statutory plan, such as the local development plan, has up-to-date survey information from which to work.

**Page 7** (new page 2)

*Paragraph 1*

Additional bullet point suggested:

**Change is constant.**

*First bullet point*

It is suggested in the draft HEP that *change has to happen for places to thrive*. This is a hostage to fortune which has no place in a policy document put forward by a conservation body.

*Second bullet point*

Good **conservation will look to ensure a sustainable future:**

this may mean a minimum of change in most circumstances, but there will be sometimes a case for intervention.

*Third bullet point*

Good decisions are **well-informed**, transparent, robust and consistent.

The word proportionate should be omitted since it is a meaningless weasel word.

*Fourth bullet point*

**Good conservation of** our historic environment benefits everyone, now and in the future.

*Fifth bullet point*

To manage the future of the historic environment in a sustainable way, its **extent**, significance, **vulnerability** and the significance of the elements within it **must** be understood.

*Sixth bullet point*

**“Good”** decisions make sure that **no aspect of importance to the historic environment of a place** is lost...

*Seventh bullet point*

**“Good”** decisions retain the cultural significance of the historic environment, **as viewed by the relevant communities of place and of interest, and by the regulators.**

*Paragraph 2*

**The** historic environment enhances quality-of-life, and is a hugely valuable cultural, economic, environmental **and social** resource. Much of it is finite: **it** can't be replaced. Good management **will** maintain the **qualities** of this resource, making sure that nothing is lost without considering **special** values and exploring options for avoiding **their** loss.

*Paragraph 3*

When decisions are made that affect places of cultural significance, the focus should be on **planning to avoid or minimise** adverse impacts. Wherever possible, special characteristics and qualities should be **identified, evaluated**, protected, conserved, **and** enhanced. **Many** actions can contribute to this, **probably within an explicit framework of conservation planning**, including:

**Sound planning***Conservation**Good land management**Effective maintenance**Sensitive use of materials**Restoration and conversion***Sound building techniques and high quality new design***Thoughtful approaches to new development***Page 8** (new 3)*Paragraph 1*

These principles apply to the historic environment as a whole in some cases, sites are identified through legal designations, **including** such as listed buildings, **Conservation areas, battlefields, scheduled ancient monuments, as well as by policies and proposals in statutory plans.**

*Paragraph 2*

Understanding the **pressures for change in** our **historic** environment through time helps to inform management decisions. **This understanding** offers a longer term perspective on issues affecting **the** historic environment, **including** the **effects** of **past and present** climate change and **changing** land management practices. **With this knowledge**, the historic environment can be managed in a sustainable way so that **our** and future generations can understand, appreciate and benefit from it.

*Paragraph 3*

Before decisions are taken, the impacts must be **anticipated**. If there is no way of being confident of what **an** impact **might** be, **any associated** action may have to be **postponed or** avoided **altogether**, so as not to risk **loss or** damage: this is often referred to as the **Precautionary Principle**.

*Paragraph 6*

It is important to recognise here that in the sequence of the *Survey, Analysis and Plan* process, the three bullet points within this paragraph should be re-ordered:

Understand and analyse the historic environment context, asset or place.

Use this understanding to identify cultural significance.

***Identify any gaps in knowledge.***

Identify and understand the reasons for the ***proposed*** change.

**Page 9**

*Paragraph 1*

Several of the bullet points here should be moved up into the sections above dealing with understanding, analysing and diagnosing a place. First, second, third, and fifth bullet points should all be moved in that direction.

There should be a relevant paragraph inserted here dealing with implementation, probably in the form of good practice bullet points.

*Paragraph 2*

The second bullet point should come first, and should read:

*Monitor, **record and archive** the outcome of the decision to provide a sound knowledge base for future policy and decision-making.*

There should be a relevant paragraph inserted here dealing with the review of decisions and policy.

*Paragraph 3*

Perhaps this HEP2 should read:

Decision-makers should ensure that ***the historic environment, with its benefits, understanding and enjoyment, is*** secured for the long-term.

*Paragraph 4 (HEP3)*

*All* plans and policies, not just the strategic ones, should protect and promote the historic environment.

Something should be inserted here which stresses the need for adaptation of plans and programmes to obviate or otherwise minimise adverse impacts on the historic environment.

The second sentence of paragraph 4 should be omitted if possible: it is not wise to encourage or promote the idea that detrimental impacts are unavoidable.

**Page 10**

*Paragraph 1 (HEP4)*

The first sentence here is surely important enough to be identified as a policy on its own, and moved up to the top of this particular Policy Suite.

The second sentence in this paragraph might usefully explain what enhancement is **not**, with examples such as:

*Enhancement is not tarding up*

*Enhancement is not a major change of function, or of character, or of use.*

A specific example might be the massive guddle which is now St Andrew's Square, Edinburgh, or indeed many of our fine Scottish streets which have seemingly been dominated and demeaned by sharp-elbowed commercial establishments of an unsustainable character.

**Page 11**

*Paragraph 1*

As a general comment, these principles are somewhat vague and repetitive. Should there perhaps be a maximum of three? Should they be reclassified as *Aims*?

*First bullet point*

Everyone has **something to contribute, especially as owner, user, member of communities of place and/or of interest, or regulator, and has** a stake in the historic environment and how it is looked after.

*Second bullet point*

Effective conservation management is a collective effort: **it generally is most effective in the form of some sort of conservation management plan.**

*Third bullet point*

The phrase "in balance" adds nothing in policy terms: in this context *balance* is a weasel word.

*Fourth bullet point*

The best management involves **engaging with** and involving communities of place and of interest.

*Fifth bullet point*

Early **sharing of information through informed** dialogue and close collaboration **leads** to better outcomes.

*Suggested addition of sixth bullet point*

**Effective conservation management may require a range of technical expertise: part of the skill of those preparing conservation management plans will be to apply technical expertise in an intelligent and intelligible manner.**

*Paragraph 2*

Changes to our **climate, economy and society... ..** Resources **must** be managed sustainably. **There will be a need to** weigh up competing demands. The different **values** placed on the historic environment by **individuals and** communities **of place and of interest** must be recognised **and reconciled in the conservation management of the historic environment.**

*Paragraph 3*

**The** effective management of the historic environment is a shared endeavour involving individuals and organisations who own, use, **live with**, manage or care about heritage. People should be empowered to **celebrate** their heritage **for the good of** their communities **of place and of interest, but** in a sustainable way. **All involved must** work collaboratively to **plan in response** to the challenges and opportunities we are facing, and to ensure fairness for all.

*Paragraph 4*

**The historic environment is continually evolving.** There is a need to understand better, and integrate, the ways that different people and groups attach value to the historic environment. Doing this will help **plan** clear, informed decisions about changes in the historic environment. It will help to decide on a types, sizes and locations of change that will benefit the public most.

*Paragraph 5*

When making **plans for** the historic environment, different interests and the consequences of decisions for a range of people need to be taken into account. **Tensions** and conflicts can arise. ...

**Page 12**

*What challenges and opportunities does the HEP respond to?*

This figure should be numbered.

This diagram could provide a key to a rather different policy framework structure, in which *challenges* and *opportunities* lead to specific policies to address them. Whether this is done or not, we suggest that the first paragraph on this page be amended to begin

To understand, **conserve**, manage and care for the historic environment...

We outline below a number of brief comments on the *challenges and opportunities*, beginning at 12 o'clock on the diagram:

*Climate change*

Research will be vital here. There should be a recognition of the value of embodied energy, and the need for tailored solutions.

*Societal change*

We are **all** ageing. *Proactively respond* is not a useful phrase. Please stress here the need to work, openly and transparently, with communities of place and of interest.

*Intangible heritage*

Does this cover music, arts, people? Places of birth, occupation, ideas, death, or other links of people and ideas to places?

*A holistic approach to the environment*

A holistic approach needs a plan. Such an approach might also stress the importance of setting and curtilage.

*Economic change*

This should not merely consider neoliberal economics and Gross Domestic Product. Sustainability and quality of life are vital elements, arguably far more vital. There is no such thing as *sustainable economic growth* and this phrase should be omitted. The tone of this paragraph must be addressed. It uses the weasel word *flexible* again. Systems must be responsive but operate with conservation in mind, and with the Precautionary Principle.

*Community participation and empowerment*

*Usually*, the more people who engage with and participate in decision-making affecting the historic environment, the more sound the decisions...

Decision-makers need to weigh up potentially conflicting needs in open and transparent ways so that everyone can understand why, how, where and by whom the decision was made. Consulting timeously communities of place and of interest is vital.

*Regulatory change*

We need to ensure that existing regulations work well. As elsewhere, *flexible* is a weasel word.

*Skills and capacity*

We need to make sure that there is time and support for decision-makers to do their jobs effectively and transparently, in consultation with communities of place and of interest.

*Sustainable tourism*

There is a need for effective conservation management plans, for a reduction in plane travel, especially within countries, for a greater emphasis on travel by public transport, cycling and on foot. There must be careful management of impacts of visitors and other communities of place and of interest, in order to preserve the very qualities that tourists come to see..

*Funding*

Priorities should be *urgent*, *necessary*, and *desirable*. The sensitive creation of new uses being introduced, while maintaining special character and significance, will be important.

*Roles and responsibilities*

Sometimes the interest of different groups and individuals **clash**...

It is important to stress the need to work with others in a collegiate manner. Fairness, consistency and transparency are all important, and perhaps all-important.

*Diversity and equality*

Historic environment should be accessible, **physically and intellectually**, and provide...

*Creating and maintaining places*

The historic environment needs to be central to decisions about how we **understand, maintain, enhance and create our places**.

Ensuring places are sustainable, viable, vibrant and **beautiful** is an ongoing challenge...

*Land management*

The point should be made that land includes buildings!

Good information is necessary, and must be regularly updated to be useful. The statutory planning system should be referenced here. The use of planning authority urban design panels should be advocated and supported.

**Page 13**

*Paragraph 1*

**... Any resulting place must be accessible and constructed through a process which involves public engagement at the stages of Survey, Analysis, Diagnosis, and Plan...**

*Paragraph 2*

Decisions should recognise **the values of communities of place and of interest**, and acknowledge the consequences for people, and for their abilities to develop their communities, places, **and interests**.

*Policies on working together*

Perhaps there should be three policies here

The first policy might stress the need for all to contribute to a pool of shared and available knowledge

The second policy might stress the need for communities of place and of interest to participate in all decision-making processes.

The third policy might stress the need for public access and enjoyment, subject to the need for effective conservation.

*Paragraph 4: HEP6*

It would be good to see in this policy promotion of the need for conservation.

It is not clear what this policy means in practice, or in what context. Statutory planning must be a vital part of this surely. What exactly is **sustainable development**? Should there be a footnote here to something genuinely useful? There is such a definition signed up to by the Home Nations at one time, and posted on the now archived DEFRA website, but there maybe something more useful which will come forward through the medium of the new Planning Bill.

**Page 14**

*Delivery and monitoring*

It is important that this section be amended to include in some way delivery, monitoring **and review**.

*Paragraph 1*

This is particularly woffly, and it is also surprising that there are no policies included in this section.

The difficulty with monitoring is that some objective measures are required to monitor against: these are not present in the current document. The frequency of monitoring should be spelled out, including the need for review at some point well before 2029.

It might also be useful to list here the range of interested parties to be engaged in collaborative monitoring: the Institute of Historic Building Conservation (Scotland branch) would be happy to be so engaged.

There should be an explicit and ongoing commitment from HES to its taking part in statutory planning at every level: some planning authorities are unable or unwilling to establish or retain such expertise in-house.

HES should sign up to the promotion of urban design review panels along the model of the Edinburgh urban design panel, so that in such a collegiate environment the needs of the historic environment can be constructively promoted.

There should be an explicit commitment to HES's own properties, as well as to designated sites including conservation areas, listed buildings, scheduled ancient monuments, battlefields, gardens and designed landscapes, World Heritage Sites, their settings, buffer zones and the like.

There should be a policy commitment to having up to date lists and schedules for use by others, especially by the relevant planning authorities.

It is not clear how this policy links to other Scottish Government policies and/or indicators, including those on architecture, sustainability, energy, climate change, the economy, environment, and society.

**Page 15**

In an ideal world, the historic environment policy should not require a glossary, either through its use of plain English or by the provision of footnotes on individual pages so that it is easy to read and understand.

*Community of place*

... a group of people connected because of where they **live, work, or otherwise spend** a large amount of time. **It generally refers** to a group of people related to particular geographic location

*Communities of interest*

We are not persuaded that the usual term *communities of interest* requires the addition of the word **practice**. We are uncomfortable with some of the examples given of communities of interest: in a policy document dealing with the historic environment, national and local amenity societies clearly require to be mentioned.

*Cultural heritage*

The definition offered here, however useful, could be improved by the addition of **buildings, landscapes, and beauty** as important cultural heritage factors.

**Page 16**

*Decision-makers*

A decision maker for the historic environment is **the person or body with** a role or interest in making decisions that might affect it. Decision makers in this context could refer to **owners, other** individuals, public, private **and third sector** organisations, communities **of place and of interest, planning** authorities, or developers.

*Decision-making*

...These might be decisions about land-use, funding or long-term strategies, **or short-term actions, for example repairs.**

*Historic environment*

There should be some recognition that what we do as a Nation today will be tomorrow's historic environment, and so there should be encouragement of urban design panels by anyone interested in Scotland's historic environment, and especially by HES.

*Impact*

... this can be **neutral**, positive or negative...

Might there be a reference here to the impact of changes of use?

*Place*

It would be useful to attach a date to the hyperlink reference to *Creating Places*.

It might also be worth noting that a *place* can be urban or rural in character.

**Page 17**

*Planning system*

*Second paragraph*

A notable omission here is the statutory development plan.

*Sustainable development*

It may be that the rather more practical principles agreed by the Home Nations, and still available on the DEFRA archived website, will be helpful: or perhaps there will be some more useable content within the new Planning Bill.

*Values*

If the definition of *values* is really necessary, surely it can be briefly inserted in the text?

**Page 18**

*Sources of further information and guidance*

It is disappointing that this section is blank. It is vitally important to explain where the historic environment policy sits within its wider policy framework, ideally on the first page of this document.

Charles Strang  
Consultations Secretary  
IHBC Scotland Branch  
December 2018