

HOPS Response to Historic Environment Scotland Consultation: Regulatory Framework (14th February 2023)

Information Note

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities, national park authorities and strategic development planning authorities.

The purpose of HOPS is to:

- Promote the profile of public sector land use planning
- Support and promote excellence in planning leadership
- Ensure the delivery of a culture of continuous improvement in planning authorities
- Provide advocacy and coordination to ensure that planning authorities are properly resourced to deliver quality outcomes.

HOPS would like to thank all planning authorities for their contribution to this consultation response.

Structure and Clarity

Question 6. Is the framework clearly structured and easy to navigate?

- Very clear
- Somewhat clear
- Neutral
- Somewhat unclear
- Very unclear
- Not sure
- No view

What could we improve? Please add your suggestions here.

[No comments](#)

Question 7. We tried to use language that is clear and accessible in this document. To what extent do you think we have achieved this?

- Very well
- Well
- Neutral
- Badly
- Very badly
- No view

What could we improve? Please add your suggestions here.

No comments

Question 8. Does the document clearly set out how we will perform our regulatory and advisory roles and where we are involved? Please add your feedback here.

The document could provide more clarity around the remit, roles and responsibilities undertaken by HES. Most regulatory decisions relating to the Historic Environment are taken by local planning authorities; HES largely play an advisory role around impacts upon designated remains (with the exception of Scheduled Monument Consent). It is acknowledged that this is noted briefly in the document on pages 8 and 16, however a clearer explanation of this relationship between HES and local planning authorities would help to alleviate confusion that can occur around remit, roles and responsibilities.

Our Goals

Question 9. To what extent do you agree these are the right goals?

Recognising and Valuing Our Heritage:

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

Equality and Diversity:

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

Circular Economy:

- Strongly agree
- Agree
- Neutral
- Disagree

- Strongly disagree
- Not sure
- No view

Net Zero:

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

Placemaking and Communities:

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- No view

Are there any goals that we have missed out or should change?

The newly-adopted NPF4 includes a policy titled 'Historic assets and places' which states the following:

"Policy Intent: To protect and enhance the historic environment assets and places, and to enable positive changes as a catalyst for the regeneration of places.

Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
- Redundant or neglected historic buildings are brought back into sustainable and productive uses.
- Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity."¹

¹ National Planning Framework 4 – Revised Draft. Page 45.

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/11/national-planning-framework-4-revised-draft/documents/national-planning-framework-4-revised-draft/national-planning-framework-4-revised-draft/govscot%3Adocument/national-planning-framework-4-revised-draft.pdf>

Therefore, one omission from the framework's goals may be "to protect and enhance the historic environment". It is acknowledged that this goal underpins the work of HES and therefore is implicit throughout the whole document – however this could be stated as an explicit goal here in order to bring this framework in line with national planning policy.

However, we do not see this as counter to the stated aims and agree that the goals listed are positive. In particular, we welcome the goals for 'Our Changing Climate', 'Restoring Biodiversity', and 'Placemaking and Communities', all of which align strongly with policies and underlying principles in the NPF4.

The 'Circular Economy' goal may benefit from being expanded, as the 'historic environment' covers more than only buildings and historic monuments/sites; historic landscapes are also important and a sustainable approach should also be taken to adapting / enhancing / reusing these where appropriate.

Our regulatory principles

The Regulatory Reform (Scotland) Act 2014 emphasises the need for regulators to enable and engage in a positive way. We follow the Scottish regulators' strategic code of practice in delivering all of our services. The code of practice asks regulators to recognise in their policies and practice a commitment to the five principles of better regulation: regulation should be transparent, accountable, consistent, proportionate and targeted.

Our approach

In addition to this code, Our Principles describe our focus as a modern, forward-looking, outcome-focussed, proactive and enabling regulator. These say that we will be:

Dynamic

1. We will be responsive to the rapidly changing world we live in, take flexible and innovative approaches, and regularly review our advice, guidance and policies.

Solution-focussed

2. We will work to find solutions which benefit the historic environment and meet the needs of the people of Scotland.

Evidence driven

3. We will be evidence driven, both in engaging people to inform our work and develop our advice, guidance and policies, and in showing the difference we make and the benefits of the historic environment.

Accessible

4. We will build relationships and mutual understanding with our stakeholders and communicate our work in a clear, accessible and approachable way.

Outcome-focussed

5. We will focus our efforts and resources where our contribution is needed most and where we can help deliver the best outcomes for the historic environment and the people of Scotland.

Question 10. To what extent do you agree that we have identified the right principles for our work?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Not sure
- Not my area of interest

Question 11. Do you have any feedback on these principles?

Timescales can often be raised as an issue, particularly within the regulatory functions – it would therefore be useful to have a principle that refers to the timely provision of regulatory functions.

Under the heading ‘Emerging Building recording – notification of demolition’ (page 16), the document states that: ‘planning authorities should inform us of consent conditions and recording works carried out in their area.’ It would be useful to provide more clarity on what exact information is expected of planning authorities.

Conversely, if HES are going to be undertaking recording work on a site which is subject to a planning application (or listed building application), or the recording results will be used in support of a planning application (or listed building application), then HES should inform the appropriate planning authority that the work has been/ is being undertaken, and the results of any recording should be made available for assessment of suitability in relation to the application.

Anything else?

Question 12. Does the document leave out anything that should be included?

- No
- Yes

Question 13. If you said ‘Yes’, please explain your answer in the box below.

It is our understanding that some of the documents cited in this Framework (SPP; OPiT) are set to be superseded very shortly.

Question 14. Do you have any feedback on how we should measure our performance and the impact of the services included in this framework?

HOPS note that we have good engagement with Historic Environment Scotland across our Executive Committee and sub-committees, and would welcome continued opportunities for collaboration and dialogue. Due to the high number of consultations and surveys that HOPS are asked to respond to throughout the year, we would prefer to meet with HES staff for discussion on appropriate matters.