

Review of policy 13: Protecting, improving and conserving the historic environment

1. Introduction

- 1.1 The purpose of this paper is to review the overarching Local Development Plan (LDP) Policy 13: *Protecting, improving and conserving the historic environment*. The policy aims to protect and enhance the special characteristics of Aberdeenshire's historic environment which contributes a large part to the regions identity. This paper will review the policy in light of changes to national guidance and local context, and consider whether it continues to provide a suitable basis for managing development that affects the historic environment.

2. Policy Approach

- 2.1 The current policy aims to promote the protection, improvement and conservation of the historic environment which is identified as one of the Scottish Governments national outcomes. It acknowledges the role of the historic environment to local as well as national identity as well as providing communities with educational, training and employment opportunities. The Scottish Government promotes planning as central in protecting these assets.
- 2.2 Policy 13 aims to maintain and improve Aberdeenshire's commitment to looking after the historic environment through a historic environment strategy (which has now been adopted, but is expected to be reviewed again prior to the adoption of the next development plan) and how planning manages development. The policy presumes against development proposals that would adversely affect the character or quality of the historic environment, highlighting that different historical assets require different guidance in order to effectively protect and enhance their value.
- 2.3 The policy refers to the following supplementary guidance to provide detail as to how each of the following parts of the historic environment should be managed and protected;

SG Historic Environment 1: Listed Buildings

SG Historic Environment 2: Conservation Areas

SG Historic Environment 3: Historic gardens and designed landscapes

SG Historic Environment 4: Archaeological sites and monuments

3. Background

National context

- 3.1 There are a number of pieces of legislation that govern the protection of the historic environment, however, it is largely the role of planning to ensure these are adhered to and to ensure appropriate protection is afforded to different historic assets.
- 3.2 Scottish Planning Policy (SPP), Historic Scotland's Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series (Historic Scotland) provide the main national guidance which 'should be taken into account by planning authorities when preparing development plans and determining applications for listed building consent, conservation area consent or planning permission for development which may affect the historic environment' (SPP, 2010). As highlighted, the

historic environment comprises a variety of different elements including individual listed buildings, conservation areas as well as historic gardens and scheduled ancient monuments. This overview outlines them as a collective of assets that form the historic environment.

- 3.3 SPP states that planning authorities play a role in the protection of historic assets through local development plans as well as in development management decision making. It adds that 'development plans should provide the framework for the protection, conservation and enhancement of all elements of the historic environment to allow the assessment of the impact of proposed development on the historic environment and its setting' (SPP, 2010).
- 3.4 Development proposals that impact upon the historic environment and its setting must be carefully considered - 'in most cases, the historic environment (excluding archaeology) can accommodate change which is informed and sensitively managed, and can be adapted to accommodate new uses whilst retaining its special character' (SPP, 2010). SPP adds that decision making must take into account the significance of the historic heritage asset and development should only be supported where it is compatible with the composition, setting and character of the historic environment.

Strategic/regional context

- 3.5 The current draft of the Aberdeen City and Shire Strategic Development Plan acknowledges the importance of the regions historic assets, stating that '*Sites and areas valued for their contribution to the built and historic environment are just as sensitive and should be protected from the negative effects of development*'.
- 3.6 It also adds that Local Development Plans and associated guidance should therefore ensure that '*the North East's natural environment and historic sites and buildings continue to be protected and improved*'.

4. Drivers of Change

- 4.1 Whilst national policy provides direction in relation to planning for the historic environment, the legislative framework underpins their approach for the protection of most notably listed buildings and conservation areas. The planning authority is legally required to protect these assets and notify Historic Scotland (on behalf of Ministers) of any proposals for development affecting A, B or for the demolition of C(S) listed buildings as well as any unlisted buildings within a conservation area. The main legislative change has been the new Historic Environment (Amendment) (Scotland) Act 2011 which has been implemented to modify and supersede some parts of existing historic environment legislation¹. However, there have been no proposed changes which would affect the application or implementation of Policy 13 or its supplementary guidance.
- 4.2 Planning plays a key role in ensuring the legislative requirements are applied as well as preserving the characteristics and features of the wider historic environment through planning policy and development management decision making. National policy states that development should only be permitted

¹The Historic Buildings and Ancient Monuments Act 1953;The Ancient Monuments and Archaeological Areas Act 1979 and The Planning (Listed Buildings and Conversation Areas) (Scotland) Act 1997

where it will not compromise the integrity or quality of these assets. This principle underpins Policy 13 which states that 'there will be a presumption against development that would have a negative effect on the quality of these historic assets'.

- 4.3 There have been no significant national policy changes. SHEP was updated in 2011, however has not proposed any modifications that would warrant an amendment to policy 13. It is considered that the policy 13 provides an adequate overview of the core principles in relation to protecting the historic environment. However, it does not specify what is meant by the 'historic environment' and it may for the purposes of clarity be useful for the policy to identify the different designations and structures that constitute the term. It does currently refer to the associated supplementary guidance, however, more information would be beneficial.

5. Recommendations

- 5.1 On the basis of this information it is considered that Policy 13 is currently consistent with national legislation and policy and should be retained as it currently stands subject to the following minor amendments:
- A definition or brief of what the historic environment includes at the start of the policy. SPP states that the 'historic environment includes ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and designed landscapes and other features. It comprises both statutory and non-statutory designations'. Wording such as this would clarify more succinctly what the policy applies to.
 - Reference to 'a historic environment strategy' should be updated to reflect the current status of the adopted Historic Environment Strategy.

6. Summary of Main Points

- 6.1 Policy 13 aims to ensure the continued protection, improvement and conservation of Aberdeenshire's valuable historical assets. The policy presumes against development that would have an adverse impact on the integrity or character of any historic building, feature or area of designation in line with government legislation. The policy acknowledges the role of the historic environment to the regions character and identity as well as being an attraction for education, tourism and as a valuable economic asset. It is considered that policy 13 is currently consistent with SPP and SHEP, and its associated supplementary guidance provides more detail regarding how legislation and national policy should be applied in practice. Therefore, it is not proposed that any significant changes to the policy are required. Two minor amendments should be made, the first of which is to include a brief definition of what the 'historic environment' actually comprises within the main policy. In addition, it is recommended that the policy's reference to 'a historic environment strategy' is updated to reflect that its current status.

References

Aberdeen City and Shire Strategic Development Plan Authority (2013) *Draft of the Strategic Development Plan*

Aberdeenshire Council (2012) *Aberdeenshire Local Development Plan 2012*

Historic Environment (Amendment) (Scotland) Act 2011

Historic Scotland (2011) *Scottish Historic Environment Policy*

Historic Scotland – *Managing Change in the Historic Environment Guidance notes*

Scottish Government (2010) *Scottish Planning Policy*