



SCOTTISH EXECUTIVE

Development Department
Planning Division

Victoria Quay
Edinburgh EH6 6QQ

Telephone: 0131-244 7530

Fax: 0131-244 7555

Jane.Macrory@scotland.gsi.gov.uk

<http://www.scotland.gov.uk/planning>

Our ref: ZPP/34/6

31 January 2006

Dear Colleague

PILOT MODEL POLICY STUDY: CONCLUSIONS & NEXT STEPS

The White Paper *Modernising the Planning System* (June 2005) indicated that the Executive was piloting model policies on the built environment and natural heritage for inclusion in development plans. The pilot has now been concluded. We are grateful to all those who have contributed so positively to the Pilot.

The enclosed *Conclusions and Next Steps Report* provides an analysis of the responses to the Pilot Model Policy Report prepared by the Model Policy Task Group and circulated to stakeholders between May and July 2005. It sets out the finalised model policies on the built environment and natural heritage, which are suitable for most local authorities to use in the preparation of new development plans. This will help to achieve greater consistency and reduce unnecessary effort by local authorities in preparing development plan policies. We encourage local authorities to integrate the model policies into development plans at the next available opportunity.

The *Conclusions and Next Steps Report* also sets out a forward strategy for rolling out model policies more widely, which has been based on discussions with and feedback from key stakeholders. Future model policies will be formulated as a Scottish Planning Policy (SPP) is prepared or revised, with the support of a policy-specific task group and stakeholder consultation. Inclusion of model policies in a SPP will provide greater clarity for local authorities and enable them to integrate the model policies into their new development plans. This is the preferred approach given the Executive's comprehensive programme of SPP preparation and review. The approach is supported by the University of Dundee's research on model policies for the Executive (May 2003) which stated that the development of model policies should be integrated in to the wider policy making cycle.

Yours faithfully

JANE MACRORY



SCOTTISH EXECUTIVE
Development Department

PLANNING

Pilot Model Policy Study

Conclusions & Next Steps

January 2006

Pilot Model Policy Study

Conclusions & Next Steps

CONTENTS

INTRODUCTION	1
SECTION A – PILOT MODEL POLICY STUDY: BACKGROUND AND ANALYSIS OF RESPONSES	1
Background	1
Analysis of Responses	2
– Are the objectives of the policies clear?	2
– Do the pilot model policies provide Councils with enough information to determine applications?	2
– Do the policies give constructive and helpful direction to applicants and people in the community?	3
– Are any changes required to the wording of the policies?	3
– Other topics appropriate for model policies	3
Overview	3
SECTION B – FINALISED MODEL POLICIES	4
– Listed Buildings	4
– Conservation Areas	6
– Archaeology	6
– Historic Gardens and Designed Landscapes	7
– Natura 2000 Sites	7
– Sites of Special Scientific Interest	8
– National Scenic Areas	9
SECTION C – GUIDANCE ON USE OF MODEL POLICIES	10
SECTION D – FORWARD STRATEGY FOR DEVELOPING ADDITIONAL MODEL POLICIES	11
Process of future model policy preparation	11
ACKNOWLEDGEMENTS	12
Annex A – Members of the Task Group	13
Annex B – List of Consultees	14
– List of Respondents	
Annex C – Summary of responses to Pilot Study	16

PILOT MODEL POLICY STUDY

Conclusions & Next Steps

INTRODUCTION

1. The purpose of this paper is to:-
 - Report on the responses to the Pilot Model Policy Report (May 2005) (Section A);
 - Set out the finalised pilot model policies on issues relating to the built environment and natural heritage (Section B);
 - Provide guidance on the use of model policies to assist development plan preparation (Section C) and
 - Report on the forward strategy for rolling out model policies more widely (Section D).

SECTION A – THE PILOT MODEL POLICY STUDY: BACKGROUND AND ANALYSIS OF RESPONSES

Background

2. The proposal for model policies was trailed and widely supported in the Review of Strategic Planning (2001), as a way of achieving greater consistency and reducing unnecessary effort by local authorities in preparing development plan policies.
3. Following research carried out for the Scottish Executive by the University of Dundee in May 2003, the Executive proceeded with a pilot project on two topics: the built environment, and the natural heritage. These topics were chosen as policy areas which fitted the criteria set out in the University of Dundee research findings. Following discussion with Historic Scotland and Scottish Natural Heritage the topics were narrowed to: Listed Buildings; Conservation Areas; Archaeology and Scheduled Ancient Monuments; Historic Gardens and Designed Landscapes; Natura 2000; Sites of Special Scientific Interest (SSSI); and National Scenic Areas. A task group was established, including representatives of Historic Scotland, Scottish Natural Heritage (SNH), the Royal Town Planning Institute (RTPI) and the Scottish Executive (a full list is included at Annex A).
4. The task group was charged with considering existing development plan policies and formulating a set of model policies on the selected topics based on best practice. *The Pilot Model Policy Report* was drafted and widely circulated for comment during May-June 2005. Views on the following were requested:-
 - Are the objectives of the policies clear?
 - Do they provide Councils with enough information to determine applications?
 - Do the policies give constructive and helpful direction to applicants and people in the community?
 - Are any changes required to the wording of the policies?
 - What topics might be appropriate for additional model policies?
5. *The Pilot Model Policy Report* also sought views on the effectiveness of the pilot model policies and the method proposed to roll out the approach more widely.

Analysis of Responses

6. A total of 32 responses were received and analysed by SEDD, with the assistance of Historic Scotland (HS) and Scottish Natural Heritage (SNH). A list of those consulted and respondees is included at Annex B. A summary of responses is attached at Annex C.
7. Stakeholder responses to the questions raised in the *Pilot Model Policy Report (May 2005)* are summarised below.

Are the objectives of the policies clear?

8. The principle objective behind the concept of model policies is considered by the respondents to be clear, and is generally supported. The basic objectives of the individual pilot model policies are also considered by respondents to be generally clear, with the exception to the pilot model policy on Archaeology, and the policy on Natura 2000 sites. Respondents consider the original model policy 5 on Archaeology to represent a dilution of NPPG5 and the reference to Councils' Archaeology Services to be ambiguous. In terms of Natura 2000 site policy coverage, respondents have expressed concern that the policy contained in the *Pilot Model Policy Report* does not represent best practice in development plan policy.
9. Many suggested revisions to these policies have been received and have been discussed with key stakeholders to work towards a revised policy in both cases. Respondees have also offered helpful minor amendments to the other built environment and natural heritage model policies which have been incorporated into the revised policies set out in Section B of this report.

Do the pilot model policies provide Councils with enough information to determine applications?

10. In general terms, respondents consider that the formation of pilot model policies has been very valuable in seeing how the concept can work in practice, and how the pilot exercise can be improved upon for future model policies. While the simplicity and brevity of the pilot model policies is broadly welcomed, respondents note that they may not be sufficiently robust or defensible to challenge at local plan inquiry or to determine applications in all the variety of situations across the country. However, respondents accept the Executive's intention for model policies not to be mandatory to allow for local variation where there is sensible justification for doing so.
11. Minor revisions have been made to the policies contained in the *Pilot Model Policy Report* to reflect respondent's comments that the policies should be robust, and unambiguous. The Executive is keen, however, to stress that model policies as a concept can never be written in a way which can provide Councils with enough information for every eventuality. It is more realistic that model policies are framed as robustly as possible to be effective for use by most local authorities. In certain circumstances, this may mean that the model policy will represent more of a general policy statement on a topic within the development plan. Detailed development control guidance suitable to each local authority areas can then be set out in Supplementary Planning Guidance (SPG).
12. A key issue stemming from the pilot study is the level of detail necessary in the model policies without undermining their stated purpose. Responses to the pilot study highlight the tensions between those who want everything in the local plan and those who have moved towards briefer more focused plans. The Scottish Executive consider that SPG has a key role to play here, and the provisions in the Planning Bill are intended to give it enhanced status. Although there is currently little use of SPG for the pilot topic areas, its potential benefits should be fully considered setting out the detail in SPG rather than the actual development plan.

Do the policies give constructive and helpful direction to applicants and people in the community?

13. A number of respondents consider that the pilot model policies do not provide any more than the minimum legislative requirements, and that the supporting text relies heavily on Regulations and Circulars that do not provide enough in terms of explanation to the general public. To be helpful to the community, some respondents note that model policies need to be more tailored to local circumstances and supplemented with additional guidance. While these comments are noted, it is emphasised that the local authorities may supplement the explanatory text of the model policies to make them locally applicable.

Are any changes required to the wording of the policies?

14. Numerous helpful suggestions on wording changes have been received and have been incorporated into the final text as far as possible. Achieving a 'perfect' wording on which all stakeholders agree is impossible but we consider that the model policies will ease drafting and achieve greater consistency in approach, based on best practice. A number of suggested changes have been incorporated particularly in reaching consistency of style between the policies, and to ensure that the model policies are always explained fully in the main text. Respondents also offer amendments on elements of style, including the use of "shall" or "best". Revisions have been made to each policy to remove as far as possible such uncertainty and reduce the scope for argument and challenge.
15. Other revisions have been made to the original policies in response to concern from respondents that policy wording, in some cases, is overly negative. However some comments in this area can not be reflected in the final wording. Although it might be desirable for the relevant legislature, policy and advice to be updated in relation to the natural heritage and built environment, it is not the intention of model policies to provide a new policy steer or alter an existing one. The model policies should not be saying something different to what is in the current national planning guidance. Respondents comments in this area are however extremely helpful in drawing attention to this point which is a primary reason behind adopting a revised methodology for developing further model policies, as detailed in Section D of this report.

Other topics appropriate for model policies.

16. Many additional topics have been suggested by respondents for supplementing the pilot model policies with additional ones. Topics that have already been suggested by the task group include biodiversity, retailing, access, telecommunications, renewable energy, opencast coal, flooding and other natural designations. A number of respondents suggest model policies in all other topics that have a national context, including additional topics relating to the built environment, and natural heritage. Others consider that model policies are suitable for other issues where local authorities are attempting to achieve largely the same ends albeit that they are not national policy issues, e.g. protection of the character of residential areas.

Overview

17. It is clear that the principle of model policies is welcomed. However, reaching consensus on the best 'style' to be used in preparing model policies and the detailed wording of the policies and the supplementary text is a challenge. It is impossible to achieve a position where the pilot model policies on natural heritage and built environment will be supported and used by all local authorities. However, the pilot model policies have been finalised in discussion with key stakeholders, taking on board the feedback from the pilot study as far as practicable. It is considered that the revised set of policies that are included in Section B represent a

compromise between the preference of the task group, preferences arising from the consultation on the pilot study, and our work to resolve these concern with SNH, HS and other primary stakeholders.

18. A number of lessons for the future have been learnt from the process and have been reflected in a revised methodology for preparation of further model policies for other topics. The revised forward strategy for developing additional model policies is set out in Section D.

SECTION B – FINALISED MODEL POLICIES

19. This section sets out the finalised pilot model policies and accompanying text on the built environment and natural heritage which can now be used by local authorities to assist with the preparation of new development plans. Guidance on the use of the model policies is included in Section C.

Listed Buildings

20. Buildings of special architectural or historic interest are listed by the Scottish Ministers and divided into categories A, B or C(s). The purpose of listing is to ensure that any demolition, alteration, repair or extension that would affect the building's special interest is controlled. When determining planning applications, Sections 14(2), and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 place a duty on Councils to have special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. In relation to the historic environment NPPG 18 provides the national policy context for listed buildings and is a material consideration in the determination of planning applications. Scottish Office Development Department Circular No.13/1998 refers Councils to The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 in their consideration of listed building consent matters.

Model Policy 1: Listed Buildings

Development affecting a listed building, or its setting, shall preserve the building, or its setting, or any features of special architectural or historic interest which it possesses.

The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.

Model Policy 1A: Demolition of Listed Buildings

Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the planning authority that the building:

1) has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and

2) is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report.

RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded.

Conservation Areas

21. Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is considered to be important to preserve or enhance. The main implication of designation is that consent will be required for specific types of development that would not otherwise require it. This level of control can, in certain circumstances, be further extended through the introduction of an Article 4 Direction.
22. When determining planning applications, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on Councils to have special regard to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Sections 159, 160 and 172 of the Town and Country Planning (Scotland) Act 1997 gives Councils the powers to preserve trees in a conservation area in the interests of amenity. In relation to the historic environment NPPG 18 provides the national policy context for conservation areas and is a material consideration in the determination of planning applications. Scottish Office Development Department Circular No.13/1998 refers Councils to The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 in their consideration of an application affecting a conservation area.

MODEL POLICY 2: Conservation Areas

Development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to have amenity value shall be preserved. Given the importance of assessing design matters, outline planning applications will not normally be considered appropriate for developments in conservation areas.

Where an existing building, listed or not, contributes positively to the character of the conservation area, policy 1A on demolition shall apply. Where it does not, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

Archaeology

23. The Ancient Monuments and Archaeological Areas Act 1979 protects many nationally important archaeological sites and monuments. In addition there are sites and monuments which, while not fulfilling the criteria for national importance, are of regional or local significance. All of these, whether scheduled or not, are fragile and irreplaceable. It is also important that the integrity of the setting of archaeological sites is safeguarded.
24. National Planning Policy Guideline 5: Planning and Archaeology (NPPG 5) states that Councils should ensure that archaeological factors are as thoroughly considered as any other material factor in both the development planning and the development control processes. NPPG 5 also recognises that not all remains are of equal importance and Councils should consider the various categories of archaeological remains (as described in NPPG 5) as well as the specialist advice from an archaeologist.

MODEL POLICY 3: Archaeology

Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances.

All other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.

The developer may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.

Historic Gardens and Designed Landscapes

25. Historic Scotland and Scottish Natural Heritage share joint responsibility for the compilation and maintenance of a national Inventory of Gardens and Designed Landscapes. The effect of a proposed development on a site included on this Inventory is a material consideration in the determination of a planning application. Under Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992, Councils must consult with Historic Scotland and Scottish Natural Heritage on any proposed development that may affect a site contained in the Inventory. Councils are encouraged to take measures to safeguard and enhance Inventory sites, and also other important gardens and designed landscapes. The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 provides more information.

MODEL POLICY 4: Historic Gardens and Designed Landscapes

Development affecting Historic Gardens and Designed Landscapes shall protect, preserve and enhance such places and shall not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.

Natura 2000

26. Sites classified as Special Protection Areas (SPA) under the Wild Birds Directive and selected as Special Areas of Conservation (SAC) under the Habitats Directive are termed "European sites" and are intended to form a European Community-wide network of protected areas designed to maintain or restore the distribution and abundance of species and habitats. The network is known as "Natura 2000". Sites are designated for the purposes of protecting those habitats and species which are endangered, vulnerable, rare or otherwise require special attention.
27. The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) place a statutory duty on Councils to meet the requirements of the Habitats Directive. Detailed advice on the

requirements of the Directives is contained in Scottish Executive Environment Department Circular 6/1995 (revised June 2000). The Habitats Regulations require that where a Council concludes that a development proposal is likely to have a significant effect on a Natura 2000 site, it, as the competent authority must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment extends to proposed developments outwith the boundary of the designated area. Authorities should consult SNH if they are in any doubt about whether a development outside a Natura 2000 area could have a significant effect on it. Guidance on the assessment of proposals affecting Natura 2000 sites is set out in NPPG 14: Natural Heritage, and Appendix A of Annex E to Circular 6/1995.

28. In cases where an assessment of the proposal is also required under the Environmental Impact Assessment (Scotland) Regulations 1999, applicants should ensure that the environmental statement prepared in respect of the proposal meets the requirements of both sets of regulations. However it should be noted that the tests and legal requirements are not the same and therefore care needs to be used when information gathered for an Environmental Statement is subsequently used to inform an appropriate assessment.
29. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, the opinion of the European Commission should be sought through the Scottish Ministers unless the development is necessary for human health or public safety reasons, or overriding environmental reasons.

MODEL POLICY 5: Natura 2000 Sites

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where:-

(a) there are no alternative solutions; and

(b) there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

Sites of Special Scientific Interest

30. Sites of Special Scientific Interest (SSSIs) are areas of land (including land covered by water) which are considered by SNH to be of special interest by reason of their natural features i.e. their flora, fauna or geological or geomorphological features. Scottish Natural Heritage has a statutory duty under Section 3 of the Nature Conservation (Scotland) Act 2004 to notify SSSIs and, in common with all public bodies when exercising its functions affecting SSSIs, must take reasonable steps to further their conservation and enhancement. SSSIs provide the foundation for a range of natural heritage designations and are therefore at the core of national and international arrangements for the protection of species, habitats and geological or geomorphological features. Guidance on the assessment of proposals affecting SSSIs is set out in NPPG 14: Natural Heritage.

31. Councils are required to consult SNH when determining an application for a development which might affect a SSSI. Applicants should bear in mind that sites can be affected by developments some distance away.

MODEL POLICY 6: Sites of Special Scientific Interest

Development that affects a Site of Special Scientific Interest will only be permitted where an appraisal has demonstrated:

- a) the objectives of the designated area and the overall integrity of the area would not be compromised; or**
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.**

National Scenic Areas

32. National Scenic Areas (NSAs) are areas which are nationally important for their scenic quality. The stricter development control regime which applies in NSAs is described in SDD Circulars 20/1980 and 9/1987. Applicants should take particular care to ensure that new development in or adjacent to a NSA does not detract from the special qualities or character of the landscape. They should also ensure that, where possible, aspects of the siting, layout and design should enhance the qualities for which the area has been designated. The views of Architecture and Design Scotland will be sought on proposals for potentially prominent developments within NSAs. SNH requires to be consulted on certain categories of development within NSAs and permitted development rights are more limited than elsewhere. Guidance on the assessment of proposals affecting National Scenic Areas is set out in NPPG 14: Natural Heritage.

MODEL POLICY 7: National Scenic Areas

Development that affects a National Scenic Area will only be permitted where it has been demonstrated:

- a) the overall objectives of the designated area and the overall integrity of the area would not be compromised; or**
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.**

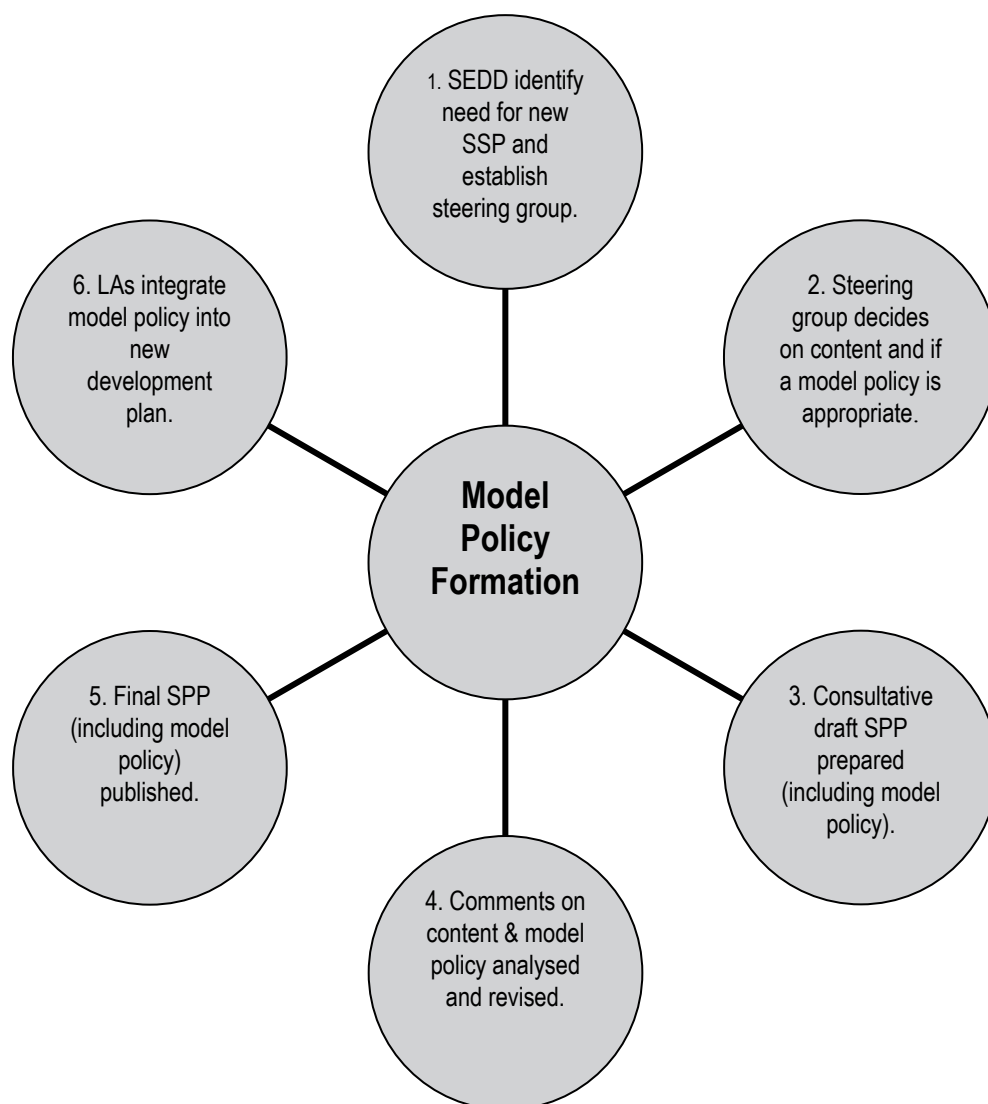
SECTION C – GUIDANCE ON USE OF MODEL POLICIES

33. The policies in Section B are suitable for most Councils to use unaltered in the preparation of new development plans. If there are particular local circumstances that prevent this, local authorities should modify them accordingly and provide reasons for doing so. The accompanying text in Section B is also suitable for insertion within a development plan. Councils should supplement the accompanying text with a short explanation of how the model policies relate to their local plan area.
34. The Executive does not require every local authority to use these model policies or to amend current development plans to reflect them. The purpose of the pilot exercise was to identify best practice in development plan policies. The policies are therefore intended to assist development planning departments and not to be an additional burden. Local authorities should devise their own approach to the use of model policies and their variation to local circumstances.
35. The model policies might represent to some Councils a standardised general policy on an issue which assists in simplifying the development plan and speeding up preparation. Additional detailed guidance for the purposes of development control decisions can be covered as SPG. It is important that any SPG is founded in the development plan and is made clearly accessible to the public, to applicants and to other practitioners of the system.
36. The wording of the finalised pilot model policies, and scope for further model policies on the two policy areas covered will be reviewed again in the revisions to NPPG 5: Archaeology and Planning, NPPG 14: Natural Heritage, and NPPG 18: Planning and the Historic Environment. The review of national policy for matters relating to the natural heritage and built environment will also help address the issue of what level of detail should be included in local plans and what is better addressed in SPG.
37. Local authorities are not restricted to the use of these finalised model policies; however, they are the preferred policies of the Executive until the reviews of NPPG 5, 14 and 18 are complete. Local authorities are encouraged to use them as far as practicable in forthcoming development plans. Local authorities should be confident in their implementation and use, and in defending them on any challenge.

SECTION D – FORWARD STRATEGY FOR DEVELOPING ADDITIONAL MODEL POLICIES

38. This section reports on the preferred forward strategy for rolling out model policies more widely. The pilot exercise was very helpful in identifying the problems and framing a new approach for the preparation of future model policies in other policy areas. Many reservations have been expressed on the timing, style and wording of the pilot model policies. The response to the pilot model policy study presents valid justification for re-thinking how best to roll the concept out to other topics.
39. Based on feedback and discussions with other key stakeholders, future model policies will be formulated as new national policy is drafted and / or revised. This is supported by the University of Dundee’s research on model policies which stated that the development of model policies should be integrated in to the wider policy making cycle.
40. The formulation of future model development plan policies will follow the method illustrated in the diagram below.

Process of future model policy preparation.



41. Developing model policies through the SPP series provides the most appropriate and effective methodology for more robust model policies. In this way, the 'appropriateness' of a model policy would be scoped by the relevant steering group established to direct the content and shape of new or revised policy. The model policy would be included in the consultative draft which is issued widely for comment, and the wording of the model policy would be finalised in light of consultation responses. Inclusion in an SPP would enhance the status of the model policy.
42. This revised methodology enables the consideration of model policies as a new national policy is developed with the support of a policy specific task group and stakeholder consultation. Local authorities could then integrate the model policy into new development plans. This is the preferred approach for rolling out model policies to other areas that stems from the responses to the pilot study. This approach is all the more sensible given the Executive's comprehensive programme of SPP preparation and review.
43. The Executive's list of forthcoming Scottish Planning Policies can be accessed at www.scotland.gov.uk/Topics/Planning-Building/Planning/15243/Forthcoming

ACKNOWLEDGEMENTS

44. The Scottish Executive is grateful to those who responded to the task group report. It is also grateful to the members of the task group, and local authority colleagues who provided a sounding board for the emerging strategy.
45. Thank you for your assistance with this project.

January 2006

Comments can be posted to:-
modelpolicypilot@scotland.gsi.gov.uk

Model Policy Study
Scottish Executive
Development Department
Planning Division
Area 2-H, Victoria Quay
Edinburgh, EH6 6QQ

Annex A

Members of the Task Group

Mark Watson	Historic Scotland
Lily Linge	Historic Scotland
Peter Rawcliffe	Scottish Natural Heritage
Ian Anderson	Scottish Natural Heritage
Alan Russell	Glasgow City Council
Ian Duguid	Clacks Council
Colin Robertson	Angus Council
Adrian Smith	Muir Smith Evans
Nick James	Land Use Consultants
Graham U'ren	RTPI
Rosie Leven	Scottish Executive
Graham Jones	Scottish Executive
George Lyall	Scottish Executive
Roger Kelly	Scottish Executive
Kester Gibson	Scottish Executive

Annex B

List of Consultees

32 Local Authorities
2 National Parks
Architecture and Design Scotland
Aberdeen City Heritage Trust
Architectural Heritage Fund
Architectural Heritage Society of Scotland
Association of Preservation Trusts
Association of Regional and Island Archaeologists
Built Environment Forum for Scotland
Castles of Scotland Preservation Trust
COSLA
Council for Scottish Archaeology
Dundee Historic Environment Trust
Edinburgh World Heritage Trust
Glasgow Building Preservation Trust
Glasgow West Conservation Trust
Highland Buildings Preservation Trust
Highlands and Islands Enterprise
Historic Environmental Advisory Council
Historic Houses Association
Institute for Historic Building Conservation
Inverness City Heritage Trust
New Lanark Conservation Trust
NFU Scotland
Perth and Kinross Heritage Trust
Royal Commission on the Ancient and Historical Monuments of Scotland
Royal Incorporation of Architects in Scotland
Royal Institution of Chartered Surveyors in Scotland
RSPB Scotland
Stirling City Heritage Trust
Scottish Environment LINK
Society for the Protection of Ancient Buildings in Scotland
Scottish Civic Trust
Scottish Wildlife Trust
SEPA
SRPBA
SERAD
SEIRU
SSDP
The Garden Society in Scotland
The National Trust for Scotland
Uist Building Preservation Trust

List of Respondees

Councils and National Parks

Aberdeenshire Council
Dumfries & Galloway Council
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
Falkirk Council

Glasgow City Council
Loch Lomond and Trossachs National Park
North Ayrshire Council
Renfrewshire Council
Shetland Isles Council
South Ayrshire Council
Western Isles Council

Other Organisations

Architecture and Design Scotland
Association of Regional and Island Archaeologists
Built Environment Forum Scotland
Council for Scottish Archaeology
Historic Environment Advisory Council for Scotland
Historic Houses Association for Scotland
Historic Scotland
Institute of Field Archaeologists
Institute of Historic Building Conservation
Royal Institute of Chartered Surveyors in Scotland
RSPB
Scottish Civic Trust
SE Environment and Rural Affairs Division
SNH
The Royal Commission on the Ancient and Historical Monuments of Scotland
University of Dundee

Individuals

Lorna Main

Annex C

Summary of responses to Pilot Study

		General Comments
	Councils and National Parks	
1	Aberdeenshire	<p>For detail of applications a lot more guidance would be required. Do not give sufficiently constructive or helpful direction. Additional topics suggested include – Agricultural land, minerals, coastal development, forestry, affordable housing, developers contributions, drainage and water, SUDs, airports and airfields, sustainability principles, hazardous development, contaminated land, adverts, and greenbelt.</p> <p><i>Action: Achieving an appropriate level of detail in the model policies without undermining their stated purpose has been a key issue stemming from the study. Revisions have been made to the model policies following the wording of national policy as far as possible, and a section on guidance on the use of model policies has been included in the report. The report also emphasises the use of Supplementary Planning Guidance (SPG) alongside the model policies, and local variation of policies where justified and necessary.</i></p>
2	Dumfries & Galloway	<p>Concern that Model Policies do not provide any more than the minimum legislative requirement (i.e. a suggestion that the Council will comply within the legislation is not really a statement of policy). Insufficient level of robustness. Wording in some case is ambiguous and not always explained in the full text. Do not reflect the appropriate level of control envisaged in NPPGs. Model Policies in some cases weakens the position of the Council relative to the appropriate NPPG. To address these points Councils may have to produce additional policies and/or supplementary guidance. The danger is whilst the Model Policies is standardised, the interpretation would be open to challenge and the whole process is no further forward. If it is intended to adopt these, advice should be provided for Councils who may wish to supplement these in order to address concerns they may have in relation to the above points. They are perhaps closer to Structure Plan policies. Supporting text relies heavily on other documents especially Circulars – they can be difficult for the public to access and are certainly not as accessible as SPPs, NPPGs and PANs. Do not provide enough in terms of explanation to the general public.</p> <p><i>Action: Revisions have been made to the model policies where appropriate and a guidance section on the use of model policies is included in the report, however model policies can never be written in a way which can provide Councils with enough information for every eventuality. Model policies have been framed as robustly as possible, and try not to say</i></p>

		<p>something different to what is stated in national planning guidance. The use of SPG has a key role to play alongside model policies.</p> <p>Generally supportive of the introduction of model policies to provide degree of consistency in policy formulation across Scotland. Prefer the use of “must” rather than “should” in policies to reduce uncertainty and the scope for argument. Offer number of observations on Listed Buildings (LBs), Archaeology, Historic Gardens and Designed Landscapes, Natural 2000 sites.</p> <p><i>Action: Use of word “shall” incorporated into model policies.</i></p> <p>Policies generally lack positive, enhancement and management elements. Status and intention that LAs should devise their own approach on these matters needs to be made clearer at the outset. Accompanying text over quotes Regulations, and Act, which does not help legibility with the public. Offer wording changes to policies –e.g. “should”, “best”- subjective. Watch for consistency. Offers detailed additions to LBs, CAs, Archaeology, Historic Scotland, Natura 2000, SSSIs. Additional topics suggested include Public Art, Tree Protection, and additional Environ. Designations e.g. SINC.</p> <p><i>Action: Comments noted and have been discussed with HS, SNH, and SE colleagues. Revisions made to policies and new guidance section as necessary.</i></p>
3	East Ayrshire	<p>Make Specific comments on model policies 1-Listed Buildings, 1A- Demolition of listed buildings and 2- Conservation Areas.</p> <p><i>Action: Refer to later tables.</i></p>
4	East Dunbartonshire	<p>Idea of Model Policies not supported during the consultation of RoSP. Nevertheless, recognise that some consistency of wording could be of assistance in streamlining the planning system but it is also extremely important that policies are robust and appropriate to local circumstances. Non-mandatory status welcomed. As Model Policies make extensive reference to legislation, circulars, this will date very quickly and will result in any Model Policy PAN being reviewed on a regular basis than is currently possible with Dev. Plans and the desired harmonisation will not occur. Recommend that no further action be taken on model policies by the SE. Unclear as to the mechanism for the introduction of the Model Policies. Offer specific amendments to Model Policy 2, 3, 5, 6, & 7.</p> <p><i>Action: Comments noted and have been discussed with HS, SNH, and SE colleagues. Wording revisions made to policies and new guidance section included in the report. The intention for no-mandatory model policies remains.</i></p>
5	East Lothian	<p>Are giving consideration to the applicability of the draft model policies to Glasgow City Plan Review 2. Supportive of model policies provided there is scope for local variance to suit local circumstances. The policies are unlikely to express the full range of objectives which they might be required to address at the local level. Unlikely that they will provide enough info in themselves to enable Councils to make decisions which take local circumstances into account. To be helpful to the community they will need to be more tailored and supplemented.</p>
6	Falkirk	
7	Glasgow City	

		<p><i>The model policies are non-mandatory allowing scope for local variance where justified. The model policies are intended to ease drafting and should not be an addition burden. LAs are encouraged to use the model policies in the preparation of NEW development plans. Model policies can never be written in a way which can provide LAs with enough information for every eventuality. It is the intention that LAs would supplement the supporting text with a short explanation of how the model policies relate to their local plan area to make them legible to users.</i></p> <p>Likely to have implications in terms of developing Park Strategy, in particular paragraphs 6-7 which suggest that LA's may have to justify at LPI their reasons for not using model policies.</p> <p><i>Action: The model policies are non-mandatory allowing scope for local variance where justified. Finalised model policies are intended to ease drafting and should not be an addition burden. The Executive encourage their use in the preparation of NEW development plans.</i></p> <p>Endorse principle of model policies. Simplicity is welcomed. Some concern regarding their non-mandatory status. I.e. open to scrutiny at LPI but on a positive note allows Councils to determine applicability of policies to their own area. Would welcome a policy on Listed Building redevelopment and restoration.</p> <p><i>Action. Comments noted. Additional model policies on topics relating to the Built Environment can be considered during the review of NPPG 18.</i></p>
8	Loch Lomond and Trossachs National Park	
9	North Ayrshire	
10	Renfrewshire	<p>In general terms the pilot model policies are considered to represent a sensible approach but have concern that they are not robust or defensible as they could be. Additional suitable topics include Green Belts to reflect emerging draft SPP21, Access Strategy and Core Path Networks, and Local Nature Conservation Sites to account for ongoing work under the auspices of COSLA to review LNCS system and produce draft guidance. There would appear to be scope for possible standardisation of approach to the issues in LPs. Local Transport Strategies; Waste Strategies; Flooding issues all have national contexts, and their potential should be investigated. Other issues where LAs are attempting to achieve largely the same ends, and whilst there may be local variations required these could be covered in additional policies which would supplement a standardised general policy statement on each of these issues - e.g. the protection of the character and environment of existing residential areas; the provision and protection of open space and recreation areas.</p> <p><i>Action. Comments noted. Additional model policies on topics relating to the Built Environment and Natural Heritage can be considered during the reviews of NPPG 5, NPPG 14 and NPPG 18.</i></p> <p>A good start but consider the policies need to be much more strongly worded. Insufficiently explicit for lay people. Written in the style of a committee report.</p> <p><i>Action: Comments noted and have been discussed with HS, SNH, and SE colleagues. Revisions made to model</i></p>
11	Shetland Isles	

		<i>policies as appropriate and new guidance section on the use of model policies included in report. There will be scope for further revisions and additional related model policies in the reviews of NPPG 5, NPPG 14, and NPPG 18.</i>
12	South Ayrshire	Notes that Model Policies could become outdated by revisions to SPPS, Circulars during the lifetime of a development plan. e.g. para.20. Endorsement by SE could enhance status and reduce the level of appeal challenge. <i>Action: Noted. New methodology devised for further model policies. The finalised model policies are the preferred policies of the Executive in the preparation of NEW development plans. In the future they will have enhanced status through inclusion in a SPP.</i>
13	Western Isles	Notes use will not be mandatory but preferred unless there are sound local reasons for modification or substitution. <i>Action: This remains the intention of the Scottish Executive.</i>
	Other Organisations	
14	Architecture and Design Scotland	Seek no amendments on the model policies. A number of topics for model policies are suggested including:- Urban Design, Advertising, Telecommunications Additions to Buildings, Retention of Urban Open Spaces. <i>Action: Noted.</i>
15	ARIA following letter	Provide comments on model policy 3 Archaeology. <i>Action: Refer to later tables.</i>
16	Association of Regional and Island Archaeologists	Provide comments on model policy 3 Archaeology. <i>Action: Refer to later tables.</i>
17	Built Environment Forum Scotland	Concerns relate not so much to the principle but to its application in practice. Abbreviated version of national policy. Significant dilution of existing best practice in many areas. BEFS would be pleased to facilitate further stakeholder consideration. Suggest that greater clarification is provided for stakeholders on the context for the policies and how they would be related to existing guidance. <i>Action: New methodology devised for development of additional model policies. Further scope for input and revisions to model policies on issues relevant to the built environment, and natural heritage through reviews on NPPG 5, NPPG 14, and NPPG 18.</i>

18	<p>Council for Scottish Archaeology</p>	<p>Admires principle but questions how realistic it is to expect local authorities to recognise, adopt and implement guidance which is not mandatory. Difficult to monitor 'preferred' policies. Weaker than best practice – although the report advocates that LA should apply and add to policies to meet their needs, a situation could arise where justification for failing to give due consideration to archaeology or other issues in local plans might be that “such guidance as set out in the model policies issued by the SE was followed”. Archaeology model policy assumes that every LA has access to its own archaeological service, which is not the case. Policies oversimplify the issues and procedures. Supporting text and policies need adding to. Proposed changes to heritage protection legislation e.g. - possibility of dual designations coming forward would make the policies obsolete. Recommends additional model policies on Marine Historic Environment and Renewable Energy.</p> <p><i>Action: Comments noted. Guidance on use of model policies has been included in the outcomes report, and revisions to the policy wording have made in liaison with HS, and ARIA. Refer to archaeology table for specific comments on Model Policy 3 – Archaeology.</i></p>
19	<p>Historic Environment Advisory Council for Scotland</p>	<p>Applauds the intention of achieving greater consistency and reducing unnecessary effort. HEACS is concerned that by clearly going for what national agencies want will throw away some well developed policies aside where a number of pro-active councils have advanced well beyond the stance advocated. Concern with non-mandatory status. Reference to A+DS should run throughout as arbiters of design quality. Emphasises the inadequacy of the Inventory. One of the model policies should address the issue of reconciling competing demands on the natural heritage and built environment to avoid the 'silo' mentality that occurs when each of the consultees is invited to give comments on any development application. Not convinced that policies provide LAs with enough information to determine applications in all the variety of situations that arise across the country. Advice in document is re-active rather than pro-active, therefore the direction given to applicants and people in the community is not as well developed as would be expected. Advocate that the present proposals be subject to a monitoring regime, with further development being dependent on positive acceptance and feedback from the various planning interests.</p> <p><i>Action: Comments noted and have been discussed with HS and SE colleagues. Revisions made to policies and new guidance section included in report. It should be stressed that that model policies can never be written in a way which can provide LAs with enough information for every eventuality. Model policies have been framed as robustly as possible, and try to follow national planning guidance as far as possible. The use of SPG has a key role to play alongside model policies. Further scope for input and revisions to model policies on issues relevant to the built environment and natural heritage through reviews on NPPG 5, NPPG 14, and NPPG 18.</i></p>
20	<p>Historic Houses Association for Scotland</p>	<p>Agree to principle of Model Policies giving consistent advice. Would welcome a line recognising that LBs need to develop to survive, that additions etc should be architect designed, and that partial demolition can be demonstrated to be necessary for the buildings survival, and that the Inventory should recognise the organic development within the landscape and horticultural design must continue.</p>

		<p><i>Action: Refer to later tables for specific comments on individual model policies.</i></p> <p>Happy with the original Built Environment policies and asked for response to the Pilot Study.</p>
21	Historic Scotland	<p><i>Action: There has been ongoing liaison with HS on feedback relating to the built environment policies. HS had sight of all relevant responses to the pilot study. There will be further input and revisions to model policies through reviews on NPPG 5, and NPPG 18.</i></p> <p>Makes Specific comment on model policy 3 Archaeology.</p>
22	Institute of Field Archaeologists	<p><i>Action: Refer to archaeology table for specific comments.</i></p> <p>Akin to hoping for Masterpieces while issuing 'Painting planning for numbers' kits to hard pressed artists. They consider that policies, like conditions need to be properly drawn up to suit local circumstances, by people skilled in the knowledge, interpretation and implementation of national policies, advice, the principles of good (conservation) planning and, an understanding of their patch. Can see advantage in building up a database of policies and their backgrounds to complement the exceptionally helpful SE Planning website.</p>
23	Institute of Historic Building Conservation	<p><i>Action: It is the intention that model policies are non-mandatory to enable local variance where justified. Website database welcomed and being implemented. New methodology devised for development of additional model policies through preparation of new or revised SPPs.</i></p>
24	Royal Institute of Chartered Surveyors in Scotland	<p>Generally content. Offer a few wording changes.</p>
25	RSPB	<p><i>Action: Noted. Refer to later tables on specific comments on individual model policies.</i></p> <p>Very supportive of model policies in principle. Reservations about wording in national policy and model policies on Natura 2000 sites and SSSIs. Other topic suggestions include Renewable Energy and energy efficiency.</p>
26	Scottish Civic Trust	<p><i>Action: Noted. Refer to later tables with specific comments on individual model policies.</i></p> <p>Supports the principle of model policies, but wording changes are required. There is a need to develop model policies to form a collection of topic related policies rather than try to cover all aspects in a single, generally worded policy. Advocates primary model policies (as outlined in the paper) and secondary model policies (which further the management and planning regime of each specific area).</p> <p><i>Action: Noted. Additional model policies can be considered during the review of NPPG5, 14 and 18. Refer to later tables on specific comments.</i></p>

27	Scottish Group of the Institute of Field Archaeologists	Makes specific comment on model policy 3 Archaeology. <i>Action: Refer to Archaeology table.</i> Suggests detailed tracked changes on Natura 2000 sites.
28	SE Environment and Rural Affairs Division	<i>Action: Similar comments received from SNH. Liaison with SNH on revisions to wording. Refer to later tables on specific comments.</i>
29	SNH	Sympathy with RSPB's comments – Model Policies should be in line with policy rather than Regulations. Reservations about wording of Natura 2000 sites as in the NPPG. Appreciates that the model policy work was not intended to change or develop policy, but perhaps this one deserves greater consideration in view of the importance of this European designation. Potential delay in taking this work forward until the Autumn provides an opportunity for the new combined N2K/NCA/EPS Regs to provide the lead for a more robust model policy through that process. <i>Action: New methodology for devising future model policies has been devised. There will also be further opportunity to revisions to model policies relating to natural heritage through review of NPPG 14. Refer to later tables on specific comments.</i>
30	The Royal Commission on the Ancient and Historical Monuments of Scotland	Keen to ensure the importance of recording endangered historic buildings and monuments is not overlooked by local authorities. Like to see a provision for recording incorporated into model policies to assist aim of ensuring all parts of Scotland are adequately covered by Threatened Buildings Survey and other recording programmes. <i>Action: Provision for recording incorporated into revised policy.</i>
31	University of Dundee	Acknowledged receipt of report. <i>Action: Noted.</i>
	Individuals	
32	Lorna Main	Specific comments on model policy 3 - Archaeology <i>Action: Refer to Archaeology table.</i>

1. Listed Buildings	
Councils and National Parks	
1	<p>Aberdeenshire</p> <p>Reads weakly in comparison with the “special” status emphasis under the duty in the Act. The ALP policy covers issues of best viable use and enabling development, which are particularly relevant in Aberdeenshire at this time, but these amongst others could be covered by additions to the policy or by SPG, or a combination of both. Supporting text could emphasise the value of LBs as a resource.</p> <p><i>Action: Response considered by SE, and HS. Wording has been revised to reflect comments and wording of national policy as far as possible. Additional criteria etc is something a LA may produce if local circumstances warrant or as SPG. There will also be scope for further revisions to current model policies and new model policies in the review of NPPG 18.</i></p>
2	<p>Dumfries and Galloway</p> <p>Use of “would” rather than “seek”.</p> <p><i>Action: Use of “shall” incorporated into all policies as the preferred wording..</i></p>
3	<p>East Ayrshire</p> <p>No objection to general thrust of policy. The overall objective of the policy should not only be just to preserve, but also positively protect and enhance etc. Layout of any new development should also be appropriate to the character and appearance of the building or its setting.</p> <p><i>Action: “Preserve” taken from NPPG18. Want to avoid changes to existing national policy as far as possible. However HS’s preference here is use of word “conserve” being considered to include “protect”, “preserve” and “enhance”. Word “layout” has been inserted into text. “Character and appearance also accepted” as consistent with NPPG18. There will be scope for further revisions to this policy through the review of NPPG18.</i></p>
4	<p>East Dunbartonshire</p> <p>Explanation of the importance of protecting historic buildings and the listing categories would be welcome. Remove “seek to” and “have development should preserve”.</p> <p><i>Action: Use of word “shall” inserted throughout all model policies to reduce uncertainty and scope for argument. Use of word “preserve” retained as stated in NPPG18. Detailed explanation not recommended as part of the model policy. This is something a LA may produce as supplementary guidance. There will also be scope for further revisions to current model policies and new model policies in the review of NPPG 18.</i></p>
5	<p>East Lothian</p> <p>Use the word “Must” rather than ‘Should’ to reduce uncertainty and scope for argument. Policies need some further adjustments.</p> <p><i>Action: Use of word “shall” inserted throughout all model policies to reduce uncertainty and scope for argument.</i></p>

6	Renfrewshire	<p>Recommends an additional policy which sets out the development criteria by which any development proposals will be assessed.</p> <p><i>Action: Not recommended as part of the model policy. This is something a LA may produce as supplementary guidance. There will also be scope for further revisions to current model policies and new model policies in the review of NPPG 18.</i></p>
	Other Organisations	
7	Historic Environment Advisory Council for Scotland	<p>Need to highlight that the principle of replacement structures need to be even better than the structures being demolished, or changed.</p> <p><i>Action: Not recommended as part of the model policy. This is something a LA may produce as supplementary guidance. There will also be scope for further revisions to current model policies and new model policies in the review of NPPG 18.</i></p>
8	Historic Houses Association for Scotland	<p>Would welcome a line recognising that LBs need to develop to survive, that additions etc should be architect designed.</p> <p><i>Action: Not recommended as part of a model policy. This is something a local council may produce as supplementary guidance. There will also be scope for further revisions to current model policies and new model policies in the review of NPPG 18.</i></p>
9	Scottish Civic Trust	<p>Change word “preserve” to “conserve”. The provisions of the TCP LB&CA Act need to be properly articulated in the policy. Change use of “or” to “and” add “character” i.e. should read – “should seek to conserve the building, its character, setting and features of...”</p> <p><i>Action: “Preserve” taken from NPPG18. Want to avoid changes to existing policy. However HS’s preference here is use of word “conserve” being considered to include “protect”, “preserve” and “enhance”. . . “Character and appearance accepted” as consistent with NPPG18. There will be scope for further revisions to this policy through the review of NPPG18.</i></p>

1A. Demolition of Listed Buildings	
Councils and National Parks	
1	<p>East Ayrshire</p> <p>Suggest that policy be expanded to include the demolition of buildings in conservation areas. Serious concerns about the phrase "beyond reasonable doubt". Policy should make it clear that the onus of providing evidence of marketing and producing a structural condition report should be on the potential developer. Demolition should only be considered in the context of a planning application for the redevelopment of the site.</p> <p><i>Action: Although demolition policies have not been combined – revised policies include lines of demolition of listed and unlisted buildings in CAs. It is considered that a detailed application for redevelopment submitted simultaneously matters most when in a CA (new policy 2A) and can allow the merit of the replacement to carry undue weight. Economics of repair are addressed by marketing; it is considered that there is less need to go into that level of detail in a structural report.</i></p>
2	<p>East Dunbartonshire</p> <p>1) Policy to specifically state the deliberate neglect of a listed building will not justify a more flexible approach. 2) Commitment of council, where appropriate, to take measures to secure the repair/restoration of listed buildings through statutory procedures. Also suggest a time limit in marketing of 12 months. Notes that “..possible best viable uses” would be open to very wide interpretation.</p> <p><i>Action: “Best” has been deleted from viable uses. HS consider it better to allow a time limit that reflects the circumstances of the building. The text has been revised accordingly. Often 6 months will do, but some very complex buildings take longer and rigidity should not be built into a model policy.</i></p> <p>Needs further addition to cover those instances where the demolition of a LB would have over-riding planning/economic benefits e.g. it would allow a redevelopment that would have substantial and demonstrable public benefit and which would otherwise not be achievable with retention of the building.</p> <p><i>Action: Changes to policy wording made as far as possible. There will be scope for further revisions to this policy through the review of NPPG18.</i></p>
3	<p>East Lothian</p> <p>Would welcome a policy on Listed Building redevelopment and restoration.</p>
4	<p>North Ayrshire</p> <p><i>Action: Noted. There will be scope for further revisions to this policy through the review of NPPG18.</i></p>
5	<p>Renfrewshire</p> <p>Policy 1A could be stronger. Concern that many owners/developers might be tempted to allow a building to deteriorate and then simply supply a structural condition survey which confirms its poor state; provide some evidence of marketing, and they will have complied with the criteria.</p>

		<p><i>Action: Policy revised to reflect comments. There will be further scope for revisions to this policy through the review of NPPG18</i></p> <p>Marketing timescale aspect should also be flagged up in 1), possibly indicate a minimum period e.g. 6 months. In 2) need to clarify verification e.g. verification of its poor condition via a thorough structural report and possible that it can't be brought back into use within reasonable cost limits. (Building may pose a health and safety danger). Also add – in the event of any demolition consent, conditions will normally be imposed requiring that: 1) demolition work cannot commence until planning consent for the redevelopment and/or reuse of the site has been obtained and contracts let for the redevelopment/reuse. ii) the developer notifies the RCAHM of the proposed demolition (if not covered elsewhere) iii) adequate recording of the LB features.</p> <p><i>Action: The policy has been revised to ensure that all features will be adequately recorded. Although WI propose that a detailed application for redevelopment be considered simultaneously, it is considered that this matters most when in a CA (new policy 2A) and can allow the merit of the replacement to carry undue weight. Economics of repair are addressed by marketing; and it is considered that there is less need to go into that level of detail in a structural report.</i></p>
6	Western Isles	
	Other Organisations	
7	Historic Environment Advisory Council for Scotland	<p>Need to highlight that the principle of replacement structures need to be even better than the structures being demolished, or changed.</p> <p><i>Action: Comments noted. This level of detail might be more suited to Supplementary Guidance. There will also be scope for further revisions to this policy through the review of NPPG18.</i></p> <p>Policy should include that partial demolition can be demonstrated to be necessary for the buildings survival.</p> <p><i>Action: Noted. There will also be scope for further revisions to this policy and new model policies to be developed through the review of NPPG18.</i></p> <p>Welcome a time limit of 12 months on the marketing period before the demolition of a building.</p> <p><i>Action: HS consider it better to allow a time limit that reflects the circumstances of the building. The text has been revised accordingly. Often 6 months will do, but some very complex buildings take longer and rigidity should not be built into a model policy.</i></p>
8	Historic Houses Association for Scotland	
9	Royal Institute of Chartered Surveyors in Scotland	

10	Royal Commission on the Ancient and Historic Monuments of Scotland (RCAHMS)	Keen to ensure that the importance of recording endangered historic buildings and monuments is not overlooked by LAs. Suggest the inclusion of provision for recording incorporated into model policy. <i>Action: Importance of recording has been included in the revised policy.</i>
11	Scottish Civic Trust	Demolition of LBs, no basis in statute but reflects current best practice in NPPG18. Could reinforce that structural condition report should be carried out by a competent building professional. <i>Action: Noted. Level of detail might be more suited to supplementary guidance.</i>
2. Conservation Areas		
Councils and National Parks		
1	Aberdeenshire	Specific reference to Change of Use might be helpful. ALP policy refers to quality of new development; this might be helpful to the supporting text, if not to policy. <i>Action: Comments noted. The Model policy addresses the fundamental requirements and additional detail can be added to reflect local circumstances where justified and / or supplemented by SPG.. There will also be scope for further revisions to this policy through the review of NPPG 18.</i>
2	East Ayrshire	Not all conservation areas will have been subject of a conservation area appraisal or management plan as assumed in the policy. Policy should therefore remove this assumption. <i>Action: The words "that may have been prepared" added into policy to reflect that not all conservation areas have an appraisal / management plan.</i>
3	East Dunbartonshire	Policy could include- "Given the importance of assessing design matters outline planning applications will not normally be considered appropriate for developments in conservation areas". Terminology in policy should also be consistent. <i>Action: Policy revised accordingly.</i>
4	East Lothian	Addresses the fundamental requirements but needs further clarification regarding demolition, external wall treatment, etc. <i>Action: Policy strengthened regarding demolition. Additional detail may be more appropriate for supplementary guidance. There will be opportunity for further revisions to this model policy through the revision of NPPG 18.</i>

5	Falkirk	<p>Pre-supposes the precedence of an up to date conservation appraisal and management plans. This is not my experience in many instances and this cross referencing could be most unhelpful when determining planning applications.</p> <p>Action: <i>The Policy has been amended to include “any relevant” conservation area appraisal or management plan “that may have been prepared”.</i></p> <p>Pre-supposes that all CAs are subject of appraisal and management plans and that they contain sufficient detail to provide a full framework of guidance on standards for development which will be expected in CAs. Not always the situation – many councils need a set of criteria against which development proposals will be assessed.</p> <p>Action: <i>The Policy has been amended to include “any relevant” conservation area appraisal or management plan “that may have been prepared”.</i></p> <p>Appreciates word “preserve” is from NPPG 18 but it is overly negative, safeguard or conserve possible sounds more positive? Might trees also have historical value?</p> <p>Action: <i>Policy strengthened in terms of trees. Decision to retain references as stated in NPPG 18. The review of this NPPG will present the appropriate opportunity to revise policy wording.</i></p>
6	Renfrewshire	
7	Western Isles	
	Other Organisations	
8	Historic Environment Advisory Council for Scotland	<p>Need to highlight that the principle of replacement structures need to be even better than the structures being demolished, or changed.</p> <p>Action: <i>Comments noted. This level of detail might be more suited to Supplementary Guidance. There will also be scope for further revisions to this model policy through the review of NPPG18.</i></p> <p>Reference to including demolition should be deleted from the main policy and established in a new policy – Demolition in a CA. It is clear that demolition in a conservation area not affecting a listed building is not given the rigorous analysis hoped for, and that the application for CAC is in many cases little more than an administrative duty. Suggest policy to read Demolition in a CA will only be permitted where it can be demonstrated that the character or appearance of the areas will be protected or enhanced.” Advocate the use of the word “or” replaced with “and” although a change to the Act might be required. Concerned about reference to character appraisals and management plans. No statutory obligation, less than 20% of all CA have an appraisal even in draft form. No mention of Townscape Audits as referred to in NPPG18. These should be included. Ref to management plans is unclear as PAN 71 mentions management strategies but not management plans. It might be better to refer to character appraisals in an associated MP2a: Character Appraisals and Audits.</p>
9	Scottish Civic Trust	

		<p><i>Action: Some of SCT comments are taken on board, but not townscape appraisal, as they are not specific to conservation areas. The point that not every CA has a character appraisal or management plan, is covered in the revised policy wording "that may have been prepared". The review of this NPPG will present the appropriate opportunity to revise policy wording.</i></p>
		<p>3. Archaeology</p>
	Councils and National Parks	
1	Dumfries and Galloway	<p>Part of the policy dealing with "other" sites does not appear to reflect the level of protection afforded by NPPG5 i.e. that the principle of preservation in situ applies to all sites in the first instance.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p> <p>Not all council's possess their own Archaeological Service. Advice from an appropriate archaeological service should be obtained with regard to all archaeological sites of both national and more local importance.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
2	East Ayrshire	<p>1) The onus should clearly be on any applicant to show that their development would not harm an archaeological site. 2) Should be applicant's responsibility where appropriate to provide archaeological assessment. There should also be opportunity for intervention by the planning authority and Historic Scotland should the archaeological investigation uncover any finds that could potentially be of national importance.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
3	East Dunbartonshire	<p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p> <p>Inconsistency of wording style between the protection given to Scheduled ancient monuments and the wording style used for the protection of Nature 2000 sites, SSSI's and National Scenic Areas. The second part of model policy 3 gives no guidance other than the proposals will be assessed by the council's archaeological; service. This is self evident.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18. Inconsistency evolves from style of individual SPPs.</i></p>
4	Falkirk	

5	Glasgow City	<p>Conflicts with NPPG 5 in that it does not include a general presumption in favour of the preservation in situ of all archaeology. Weakens the policy stance currently in many Development Plans.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
6	Renfrewshire	<p>Change wording to “..will need to be assessed by the relevant Archaeological Service” (Not all LAs have their own Arch Service”).</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
7	Western Isles	<p>Amend Para 1 to read “..and other nationally important archaeological remains (whether scheduled or not) to allow for sites that might not yet be scheduled. As per NPPG 5 para 2 should be modified to include that development will only be considered in exceptional circumstances. Para 2 -its not determining sites importance but whether the development and its impact is acceptable in terms of remains. It may be that the development is required to arrange or fund an arch archaeological evaluation prior to determination of planning application. The end sentence should be amended to read...whether excavation and recording prior to development is required. (Stronger than preferred). May also want to add other appropriate measures (to allow for site access, interpretation and long term management).</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
	Other Organisations	
8	Association of Regional and Island Archaeologists (ARIA)	<p>Difference between model policy, NPPG5 and PAN 42. Implication that under the model policy development will always be acceptable in some form on or near a scheduled ancient monument , whereas in NPPG 5 and PAN 42 there is an assumption against development in these circumstances. Problem with the drafted model policy is that it drops that general presumption in favour of preservation of all archaeology - hence a dilution of national policy. The drafted policy also puts the onus on the Council archaeologists to "prove" the case for preservation in situ, rather than the Council through its policy having this as its starting point, so that the developer has to "prove" the case why it should not be preserved in situ, and can be preserved by record instead. This is a very crucial difference in emphasis. ARIA cannot accept a model policy which refers to the Council archaeologists unless there is some statutory basis for their existence (what are East Dunbartonshire and Dundee City Councils expected to do - they have no access to archaeological advice). Various correspondence between SE, HS and ARIA on suggested revised wording.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>

9	Council for Scottish Archaeology	<p>Model policy represents a dilution of NPPG 5 and PAN 42 and of the policies which are included in most Structure and Local Plans. As it stands, model policy would be considered by IFA and as such would be considered by the Association as a retrograde step.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
10	Institute of Field Archaeologists	<p>Model policy represents a dilution of NPPG 5 and PAN 42 and of the policies which are included in most Structure and Local Plans and as such would be considered by the Association as a retrograde step.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
11	Royal Institute of Chartered Surveyors in Scotland	<p>In Instances where there is no archaeological service within the planning authority, RICS Scotland would suggest that a suitably qualified consultant be appointed.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
12	Scottish Civic Trust	<p>Refer to Scottish Archaeology Council document outlining a number of development plan policies on Archaeology. There should be a policy distinction between SAM which have statutory basis and other nationally important archaeological sites which are less well defined. Not all Councils have their own arch service – change wording to “council’s or its appointed Archaeological Services”.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
13	Scottish Group of the Institute of Field Archaeologists	<p>Dilution of NPPG5 and PAN 42, most SPs and LPs.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>
	Individuals	
14	Lorna Main	<p>Each Council Archaeology Service needs to feel it has ownership of the relevant policies. No objection to principle of a Model Policy but considers the wording of the draft model policy on Archaeology to be far from best practice. By trying to be brief it has crucially lost the detail. Advises us to take advice from them on detailed wording of Model Policy on archaeology. Policy far from best practice, relates to only 10% of resource – no protection for the remaining 90%. Urges us to rethink policy.</p> <p><i>Action: New model policy developed with help of HS, and ARIA as a result of stakeholders concerns. The wording of the model policy will be revisited again as part of the review of NPPG5 & NPPG18.</i></p>

4. Historic Gardens and Designated Landscapes	
Councils and National Parks	
1	<p>The model policy supporting text refers to “<i>other important gardens ...</i>” but model policy does not reflect this.</p> <p><i>Action: Policy has been reworded. Over specific reference to the inventory has been taken out in order to also reflect non-inventory sites.</i></p> <p>There is no indication of how non-inventory Gardens and Designated Landscapes as promoted by the Garden History Society are to be considered.</p> <p><i>Action: Policy has been reworded. Over specific reference to the inventory has been taken out in order to also reflect non-inventory sites.</i></p> <p>Would be more effective if reference was made to the need for such gardens and landscapes to be protected, preserved and enhanced. Proposals within these areas should not be entertained by a council in the absence of detailed proposals.</p> <p><i>Action: “Protect”, “preserve”, “enhance” incorporated into amended policy.</i></p> <p>The policy should be clear that development should not impact adversely on inventory “<i>or other sites identified as being of regional or local importance</i>”.</p> <p><i>Action: To reinforce policy, over specific reference to the inventory has been taken out to also reflect non-inventory sites.</i></p> <p>“<i>Landscapes should not impact adversely on the character</i>” should be reworded. <i>Landscapes should not cause significant adverse impact on character.</i></p> <p><i>Action: Policy rephrased to “Shall not impact adversely upon their character, upon important views to...”</i></p>
2	<p>Dumfries and Galloway</p>
3	<p>East Ayrshire</p>
4	<p>East Dunbartonshire</p>
5	<p>Western Isles</p>

	Other Organisations	
6	Built Environment Forum Scotland	<p>It has been suggested that model policy 4 be strengthened and amended to include sites of significance that are not included in the inventory.</p> <p><i>Action: To reinforce policy, over specific reference to the inventory has been taken out to also reflect non-inventory sites.</i></p>
7	Historic Houses Association for Scotland	<p>That the Inventory should recognise the organic development within the landscape and horticultural design must continue.</p> <p><i>Action: Policy reworded in manner which is felt not to require an additional line setting out that organic development within landscapes, reinstatement of missing elements and horticultural design, may continue where appropriate.</i></p>
8	Scottish Civic Trust	<p>GDPO does not give satisfactory protection. Changes to the planning system could address this issue – they would benefit if they were designated CAs. The phrase... “which led to its inclusion in the Inventory” should be deleted. Remove “should not impact” and replace with “should seek to protect and enhance the character”. A line is required on the re-instatement of landscape features.</p> <p><i>Action: Policy reworded in manner which is felt not to require an additional line setting out that organic development within landscapes, reinstatement of missing elements and horticultural design, may continue where appropriate. Over specific reference to the Inventory has been removed. “Protect”, “preserve”, “enhance” incorporated into amended policy.</i></p>
5. Natura 2000		
Councils and National Parks		
1	Aberdeenshire	<p>ALP policy requires in addition that the objectives of the designation and the overall integrity of the area will not be compromised. Also within that part of Aberdeenshire, primacy is given to the natural heritage, if there is conflict with other parts of the Plan.</p> <p><i>Action: Policy revised to reflect comments, and wording in NPPG14.</i></p>
2	Dumfries and Galloway	<p>Supporting text Para 19-21 needs also to mention that development outside the site may have an impact on the site itself and should be assessed. Statement requiring the applicant to undertake an appropriate assessment should be in the policy rather than in supporting text – makes it clear to the public that this will be required from them. Should adverse affects be “significant adverse effects” to comply with Para 25 of NPPG 14?</p>

		<p><i>Action: The revised supporting text includes a line stating that “As the Directive requires the protection of the interests for which the area has been designated, the need for appropriate assessment extends to proposed developments outwith the boundary of the designated area”. The ref to “significant adverse effects” in Para 25 of NPPG 14 refers to national designations. The wording for international designations is “adverse effects for international designations”. A decision has been made to refer to existing policy wording as far as possible to reduce confusion. There will be further opportunity for wording revisions in the review of NPPG14.</i></p> <p>Policy should be amended to give more definitive advice.</p>
3	East Ayrshire	<p><i>Action: Amendments have been made accordingly.</i></p>
4	East Dunbartonshire	<p>Unclear whether this applies to already identified sites / protected areas or whether it applies to anywhere that a priority habitat or species exist.</p> <p><i>Noted. Wording revisions aim to ease understanding. Policy applies to designated Natura sites.</i></p> <p>Inconsistency in wording style between model policies.</p>
5	Falkirk	<p><i>Action: Noted. The pilot model policies try to follow the wording in national policy as far as possible. There will be further opportunity for wording revisions to the model policy in the review of NPPG 5/18 and NPPG14.</i></p> <p>Make ref to SNH as in SSSI model policy.</p>
6	Renfrewshire	<p><i>Action: Supporting text revised to include “Authorities should consult SNH if they are in any doubt about whether a development outside a Natura 2000 area could have a significant effect on it”.</i></p>
	Other Organisations	
7	RSPB	<p>Term “conservation interests” confusing and not an accurate reflection of Regs. If it is the intention to cast the protection net more widely across the Natura network, this is welcomed but as it stands wording is confusing. In terms of three preliminary Para’s it is important that they clearly indicate that pSPAs should be treated as if they were designated.</p> <p><i>Action: Policy revised in line with similar comments from SNH, and SERAD.</i></p>
8	SE Environment and Rural Affairs Division	<p>Minor wording changes to paragraphs 18&19. Additional explanatory text suggested from SNH’s internal Natura guidance on the application of Regulations 48 & 49 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).</p> <p><i>Action: Suggested revisions to model policy have been accepted. It is not considered that the additional supporting material suggested (which is an extract from SNH’s internal guidance) is appropriate for inclusion for a model policy. Detail more suitable for SPG.</i></p>

9	SNH	<p>Have offered extensive comments on this policy in line with SNH's internal Natura guidance on the application of Regulations 48 & 49 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).</p> <p><i>Action: Suggested revisions to model policy have been accepted. It is not considered that the additional supporting material suggested (which is an extract from SNH's internal guidance) is appropriate for inclusion for a model policy. Detail more suitable for SPG.</i></p>
6. SSSI'S		
	Councils and National Parks	
1	Aberdeenshire	<p>Policy on other recognised nature conservation sites, NNRs, ancient woodlands and local nature reserves.</p> <p><i>Action: Model Policies on other nature conservation sites of national importance –e.g. Nature Reserves can be considered in the review of NPPG14.</i></p>
2	East Ayrshire	<p>No objection with general thrust and direction of policy. Policy could possibly be expanded to include other nature conservation sites of national importance.</p> <p><i>Action: Model Policies on other nature conservation sites of national importance –e.g. Nature Reserves can be considered in the review of NPPG14.</i></p>
3	East Dunbartonshire	<p>Could be expanded or additional policy included to consider locally important wildlife sites. It could also cover the protection of European Protected Species.</p> <p><i>Action: Model Policies on other nature conservation sites of national importance –e.g. Nature Reserves can be considered in the review of NPPG14.</i></p> <p>Inconsistency in wording style.</p>
4	Falkirk	<p><i>Action: Noted. The pilot model policies try to follow the wording in national policy a far as possible. There will be further opportunity for wording revisions to the model policy in the review of NPPG14.</i></p> <p>Mention NPPG 14 in background text. In the policy b) significant should be inserted prior to adverse effects as per NPPG14.</p>
5	Western Isles	<p><i>Action: "Significant" adverse effects inserted in revised wording. Reference to NPPG 14 incorporated into supporting text.</i></p>

7. National Scenic Areas	
	Councils and National Parks
1	<p>Aberdeenshire</p> <p>In addition it should be required that the objectives of the designation and the overall integrity of the area will not be compromised. Also a policy on Areas of Landscape significance (a local designation) reflecting the importance of other landscapes not covered by the NSA designation.</p> <p><i>Action: Model Policy revised to include “overall integrity of area”. Model Policies on other nature conservation sites, including those of local importance –e.g. Areas of Landscape Significance will be looked at in review of NPPG14.</i></p> <p>Part a) of the policy requires compliance with the objectives of the site, however other than those NSAs which have had pilot management strategies produced, there may not be specific objectives available for NSAs against which compliance could be measured. Policy and text does not pick up on SNHs advice to government on the future of NSAs produced in 1999. In some cases the policies may even be at odds with this advice and clarification of this would be useful.</p> <p><i>Action: Model policy revised in line with wording in NPPG14. There will be further opportunity for wording revisions in the review of NPPG14.</i></p> <p>Inconsistency in wording style.</p>
2	<p>Dumfries and Galloway</p> <p><i>Action: Noted. The pilot model policies try to follow the wording in national policy a far as possible. There will be further opportunity for wording revisions in the review of NPPG 5/18 and NPPG14.</i></p> <p>Mention NPPG 14 in background. As per NPPG at end of a) replace and with or. Also in b) significant should be inserted prior to adverse effects.</p> <p><i>Action: “Significant” adverse effects inserted in revised wording. Reference to NPPG 14 incorporated into supporting text. “And” replaced with “or” in line with wording in NPPG14.</i></p>
3	<p>Falkirk</p>
4	<p>Western Isles</p>

	Other Organisations	
5	Historic Houses Association for Scotland	Policy should also apply to any area that has scenic quality and relies on the tourist industry, especially the coast line. <i>Action: Additional Model Policies on related areas can be considered as part of the review of NPPG14.</i>
6	Scottish Civic Trust	But what issues does Govt see as being of national importance (e.g. windfarms) and what kind of weighting system should be in place when making this assessment? <i>Action: Wording derives from national policy. Opportunity to amend wording in review of NPPG14.</i>

January 2006

© Crown Copyright

ISBN 0 7559 2906 3



Astron B44953 01/06