

EAST AYRSHIRE COUNCIL

CABINET: 23 APRIL 2008

SCOTTISH PLANNING POLICY (SPP) 23

PLANNING AND THE HISTORIC ENVIRONMENT- CONSULTATION DRAFT

Report by Executive Director of Corporate Support

1 PURPOSE OF REPORT

- 1.1 To advise the Cabinet and obtain their views on a Scottish Executive publication entitled 'Scottish Planning Policy, SPP23:Planning and the Historic Environment: Consultation Draft'.

2 BACKGROUND INFORMATION

- 2.1 As part of its ongoing programme to update current national planning policy guidance, the Scottish Executive has produced consultation draft Scottish Planning Policy SPP23 on the subject of Planning and the Historic Environment. The SPP sets out national planning policy for the historic environment with a view to its protection, conservation and enhancement and indicates how the planning system will contribute towards the delivery of Scottish Minister's policies as set out in the Scottish Historic Environmental Policy (SHEP) series produced by Historic Scotland. Once finalised, the SPP will supersede and consolidate National Planning Policy Guidelines NPPG18: Planning and the Historic Environment and NPPG5: Archaeology and Planning. Representations on the SPP are requested by 9 May 2008.

3 THE CONSULTATION DRAFT

- 3.1 The SPP recognises that the historic environment can play a key part in promoting sustainable economic growth and regeneration by ensuring that an area offers attractive living and working conditions which will encourage inward investment, particularly related to tourism and leisure. The SPP, in particular, encourages local authorities to maintain and strengthen their commitment to the stewardship of the historic environment, to adopt suitable policies in their development plans and to give effect to these policies through their development management decisions. The consultative draft also recognises that partnership working between owners of historic properties, users, and public authorities is often the key to long term conservation of the environment and describes the role that Historic Scotland, Architecture and Design Scotland and amenity bodies such as the Scottish Civic Trust, the Architectural Heritage Society of Scotland and the Garden History Society can play in safeguarding and promoting the historic environment.
- 3.2 The consultative draft briefly sets out the various pieces of legislation which pertain specifically to the historic environment and encourages planning authorities to make appropriate policy provision relating to both statutory and non-statutory designations. The particular statutory designations specifically addressed in the

consultation paper comprise Listed Buildings, Conservation Areas, Scheduled Monuments and Designated Wreck Sites while the non-statutory designations are identified as World Heritage Sites and Gardens and Designed Landscapes. At the present time, the designations relating to Designated Wreck Sites and World Heritage Sites are not applicable to East Ayrshire.

- 3.3 The consultative draft stresses the importance of actively managing the historic environment to maximise its value and potential and details the role that the Development Planning and Development Management functions of local authorities can play in achieving the Government's objectives for the historic environment, sustainability, regeneration and place making. The provisions of the draft SPP as they relate to these particular functions can be summarised as follows:

Development Planning

- 3.4 In general terms, planning authorities should ensure that development plans provide a land use policy framework for the protection, conservation and enhancement of the historic environment within which any development impacts can be properly assessed. The following issues are specifically addressed in the draft SPP in this regard:

- Structure Plans / Strategic Development Plans;
- Local Plans / Local Development Plans;
- Supplementary Planning Guidance;
- Model Policies; and
- Strategic Environmental Assessment.

Development Management

- 3.5 In general terms, the SPP encourages planning authorities to safeguard the historic environment in exercising their development management role. The following issues are specifically addressed in this regard:

- Pre-application Discussion;
- Statutory Consultation;
- Listed Buildings;
- Conservation Areas;
- Scheduled Monuments;
- Designated Wreck Sites;
- Other Archaeological Sites, Monuments and Areas of Historic Interest;
- Planning Conditions and Agreements; and
- Enforcement.

4 GENERAL COUNCIL OBSERVATIONS AND COMMENT ON THE SPP

- 4.1 Observations on the provisions of the draft SPP are detailed below, with comments being made in relation to each of the various individual issues addressed in the document

Structure Plans / Strategic Development Plans

- 4.2 The draft SPP advises that structure plans should set out general policies for the protection, conservation and enhancement of the historic environment and this advice has already been followed in the preparation of the Ayrshire Joint Structure Plan, recently approved by Scottish Ministers. It is recognised that it will be unlikely to be necessary to include specific policies relating to the historic environment in the series of strategic development plans to be produced for the new city regions. The Council will not be required to contribute to the preparation of a strategic development plan and has no specific observations to make on this particular issue.

Local Plans / Local Development Plans

- 4.3 The draft SPP states that local plans and, in future, local development plans should assess the scale of change likely to occur over the plan period and ensure that new development is accommodated without damaging the historic environment. Specifically, they should:

- define the historic environment and its landscape or townscape setting;
- set out detailed policies and criteria for assessing development proposals that impact on the historic environment;
- outline management processes relating to conservation area designation, Article 4 directions, preparation of enhancement programmes and the identification of sites for which development briefs, design guides and character appraisals will be required;
- include in their action plans, details of actions to be taken to deliver policies and proposals relating to the historic environment.

The Council has already addressed many of the above issues in the preparation of the finalised version of the Alteration to the East Ayrshire Local Plan and has no comments to make on this particular provision of the SPP.

Supplementary Planning Guidance

- 4.4 The draft SPP allows local authorities to produce, as part of the development plan, detailed appraisals, development briefs and design guides as supplementary guidance to ensure that new development is appropriate in terms of its use, design and location. The Council is fully supportive of this particular provision.

Model Policies

- 4.5 The draft SPP encourages planning authorities to incorporate model policies (detailed in Annex A of the SPP) produced by the Scottish Government into development plans. The Council has already included the draft model policies relating to the historic environment into the finalised version of the Alteration to the East Ayrshire Local Plan and is fully supportive of this particular provision.

Strategic Environmental Assessment

- 4.6 The draft SPP recognises that development plans are subject to Strategic Environmental Assessment but considers it unlikely that an SEA will be required for conservation area appraisals and management plans. The Council has duly noted the views expressed and has no comments to make in this regard.

Pre-application Discussion

- 4.7 The draft SPP encourages planning authorities and developers to enter into early discussions on development proposals relating to the historic environment. The Council is fully supportive of this particular measure.

Statutory Consultation

- 4.8 Planning authorities are required to seek the views of Historic Scotland on planning applications where these impact on 'A' listed buildings, scheduled monuments and gardens and designed landscapes. This is already established Council practice, the Council also carrying out informal consultation with Historic Scotland on a range of other B and C(s) Listed Buildings etc. The Council has no comments to make on this particular part of the SPP.

Listed Buildings

- 4.9 The draft SPP addresses the main procedures to be followed and the main considerations to be taken into account by local authorities in their determination of listed building applications. Specific mention is made, in particular, of enabling development and the demolition of listed buildings. The Council has no specific comments or observations to make on this particular part of the SPP.

Conservation Areas

- 4.10 The draft SPP addresses the main procedures to be followed and the main considerations to be taken into account by local authorities in their determination of planning applications relating both to listed and unlisted properties within conservation areas. Specific encouragement is given to planning authorities to undertake conservation area appraisals, and Article 4 directions are advocated in certain circumstances. The preparation of conservation area appraisals and the making of Article 4 directions are already established Council practice and the Council has also recently prepared its Conservation Area Appraisal and Management Plan for the Kilmarnock John Finnie Street and Bank Street Conservation Area, which recently won the overall top award for the Scottish Awards for Quality in Planning. The Council has no specific comments or observations to make on this particular part of the SPP.

Scheduled Monuments

- 4.11 The draft SPP states that proposed developments which would have an adverse effect on scheduled monuments or the integrity of their setting should not be permitted unless there are exceptional circumstances for doing so. The Council has no specific comments or observations to make on this particular part of the SPP.

Designated Wreck Sites

- 4.12 This element of the draft SPP does not impact on East Ayrshire and the Council has no specific comments to make on this particular part of the SPP.

Other Archaeological Sites, Monuments and Areas of Historic Interest

- 4.13 The draft SPP reaffirms Government policy to protect and preserve other Archaeological sites etc. wherever feasible and, where this is impossible, to undertake appropriate recording before and / or during development. The SPP also summarises the powers and responsibilities of local authorities in relation to such sites etc within their areas. In order to support their development management functions, local authorities should also ensure that they have access to a Sites and Monuments Record and / or a Historic Environment Record. In this regard, the Council already contributes to the West of Scotland Archaeology Service and has no specific comments or observations to make on this particular part of the SPP.

Planning Conditions and Agreements

- 4.14 The Council has no specific comments or observations to make on this particular part of the SPP. The Council has no specific comments or observations to make on this particular part of the SPP.

Enforcement

- 4.15 In positively managing the historic environment, planning authorities are encouraged to use the enforcement powers available to them at the earliest possible opportunity.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications for the Council as a direct result of the consultation draft of the SPP.

6 LEGAL IMPLICATIONS

- 6.1 There are no legal implications for the Council as a direct result of the consultation draft of the SPP.

7 POLICY IMPLICATIONS

- 7.1 There are no direct policy implications for the Council as a direct result of the consultation draft of the SPP. The model policies proposed in the consultative draft have already been incorporated into the finalised version of the Alteration to the East Ayrshire Local Plan.

8 COMMUNITY PLAN IMPLICATIONS

- 8.1 There are no community plan implications for the Council as a direct result of the consultation draft of the SPP.

9 RECOMMENDATIONS

- 9.1 It is recommended that the Cabinet agrees:

- (i) to note the contents of this report; and
- (ii) to authorise the Depute Chief Executive/Executive Director of Corporate Support to submit a copy of this report to the Scottish Executive as representing the views of the Committee on the draft SPP.

Elizabeth Morton
Depute Chief Executive / Executive Director of Corporate Support

16 April 2008
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LIST OF BACKGROUND PAPERS

- 1 **Scottish Planning Policy SPP23: Planning and the Historic Environment: Consultation Draft**

For further information on the contents of this report contact Karl Doroszenko, Policy and Projects Manager or John Lilley, Principal Planning Officer on 01563 576751 or 01563 576754 respectively.

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