

Response ID ANON-8KUC-UGEW-K

Submitted to National Planning Framework (NPF4)

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What is your name?

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Are you responding as an individual or on behalf of an organisation?

Organisation

Would like to be contacted about future opportunities to get involved in this work, such as engagement events?

Yes

Organisation details

Name of organisation

Name of organisation:

Chartered Institute for Archaeologists

Information about your organisation

Please add information about your organisation in the box below:

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society. CIfA has over 4000 members who study and care for the past through its physical remains. These remains whether built, buried, on land or underwater, extraordinary or everyday, magnificent or mundane all contribute to our historic environment. The resources of the historic environment, like those of the natural environment, are for the benefit of everyone in society, today and in the future, and need to be treated with care and expertise.

Consultation and development of the draft NPF4

Please provide your views on the consultation and development of NPF4 and how this has contributed to the draft.

Please provide your response in the box provided.:

We are, broadly, pleased with the level of consultation on the development of NPF4 up to this point. However, there are important questions that we have asked throughout every stage of the consultation and not received answers, for instance regarding the status of vital government guidance which currently underpins Scottish Planning Policy (SPP). We are also concerned that changes in nuance from the Position Statement to the Draft NPF have resulted in – in our view – less appropriate language for sections relating to the historic environment. It is understandable that specific wordings will change between versions, but as we develop from the principles and ambitions of the early blank slate stages of consultation to the honing of the actual NPF4 content, it will be critical that consultation includes detailed discussions with specialist audiences to ensure.

We would strongly urge Government to set up roundtable events with key historic environment sector organisations. These could be arranged through Historic Environment Scotland or through Built Environment Forum Scotland. This will allow experts to ensure that unintentional effects of redrafting do not have major impacts on the operation of Scotland's planning system.

Please provide your views on the structure of the National Planning Framework 4 document.

Please provide your response in the box provided.:

We consider that planning policies being located in the second half of the document, behind a lengthy Part 2 on National Developments, is detrimental to the overall readability of the document. While we recognise the importance of National Developments, we consider that Part 2, which describes discreet developments, distracts from the key strategy and policy context. We recommend that detail from Part 2 be moved to an Appendix, retaining only a short section which sets out Government's approach to National Developments and how these will contribute to the National Spatial Strategy. This would also prevent the main document from becoming outdated as the current projects described are completed and new ones are developed.

Similarly, we think that the Action Areas for Scotland section focuses too much on specific current National Developments. This is not only difficult for a general audience to understand, but like Part 2 is of time-limited relevance.

Shortening the sections on National Development Areas and National Developments would also make it easier to read across between Part 1 and Part 3. At present there are a number of differences in nuance between Part 1 and Part 3 that could be confusing for practitioner and lead to challenges as policy application is tested in the courts. We make specific observations in our responses to Part 3, below.

Please provide your views on the incorporation of the Scottish Planning Policy and coherence of the NPF4 document overall as a roadmap.

Please provide your response in the box provided.:

We are not yet convinced that the combining of NPF and SPP into a single document has been done successfully. We are deeply concerned about a small number of key policy omissions in existing SPP that will unintentionally weaken policy if not rectified. In addition, the lack of clarity about whether vital content currently contained within the PANs (specifically, in the case of the historic environment and archaeology, PAN2/2011) will be retained and in what form. If the PANs are to be abolished or become part of Local Development Plan guidance, there will be one or two key provisions that we would strongly urge Government to include within part of Part 3 of NPF4. Other options to retain critical guidance may be possible, including adopting an updated PAN 2/2011 into the Managing Change series of guidance, with guidance reference and policies supporting key provisions in NPF4.

We recognise that combining NPF and SPP requires brevity to ensure a document of manageable length. Broadly, we are pleased with how drafting has clearly attempted to retain existing policy provision for the historic environment. However, a balance between brevity and both clarity and nuance is one which will need to be addressed through minor changes to Part 3. As we state below, we believe that it would be more sensible to shorten other sections of the document.

We also note that absent from the draft is any inclusion of or recognition for the range of relevant documents, policies, and strategies that have a bearing on the planning system. The Position Statement recognised the importance and relevance of a great many existing strategies, policies, and guidance documents, including Our Place in Time – the Historic Environment Strategy for Scotland, and the Historic Environment Policy Scotland. Even if these documents are not mentioned in the main text, it would be valuable to list them in an appendix, but even more valuable would be to draw from these documents – as the Position Statement does – the key language relating to agreed strategic principles that could help the NPF4 achieve coherence with other parts of the system.

Part 1 – A National Spatial Strategy for Scotland 2045

What is your view on the Sustainable Places section?

Please provide your response in the box provided.:

We are broadly supportive of the strategic vision for sustainable places. We would emphasise that many parts of the planning system cut across the 4 areas of the strategic vision, including the historic environment, and we would welcome clearer acknowledgement that all parts of the system are expected to contribute, where possible to the sustainable places vision.

We note that the summary in this section does not fully capture the breadth of sustainable development as articulated in Part 3's policies and in the glossary of terms. The summary refers exclusively to climate and natural environment sustainability, whereas the sustainable development policies refer to a meaning of sustainability that overarches wider principles. We support the broader definition of sustainability.

We also note that the position statement explicitly mentioned the vulnerabilities of and need to build climate resilience for our "unique natural, coastal and historic environment assets". It also says that "...we will acknowledge that the historic environment is itself an asset that can help us to deliver our wider policy ambitions for example, for mitigating climate change, improving health and providing housing". These are extremely valuable principles which are not clearly communicated in the Draft NPF4 text.

The Position Statement also emphasised the positive contribution that heritage can make to place-making and various challenges across all 4 strategic vision areas. We hope that some of this can be improved in the Draft text with only minor alterations.

What is your view on the Liveable Places section?

Please provide your response in the box provided.:

We are broadly supportive of the strategic vision for liveable places. We would emphasise that many parts of the planning system cut across the 4 areas of the strategic vision, including the historic environment, and we would welcome clearer acknowledgement that all parts of the system are expected to contribute, where possible to the liveable places vision.

We note that 'celebrating' culture, diversity and heritage is mentioned, but we might clarify that wording to say that it is not simply by celebrating, but rather by carefully managing heritage to preserve and enhance local character and public benefits arising from the existence or use of heritage assets.

We note that the Position Statement linked the potential of the historic environment to supporting town centre regeneration, recognised that cultural heritage should form the “foundations of a place-based approach to our future development”. This is all positive language, the nuance of which is substantially missing in the comparatively brief draft NPF4.

Most importantly, the Position Statement emphasised the positive contribution that heritage can make to place-making and various challenges across all 4 strategic vision areas. We hope that some of this can be improved in the Draft text with only minor alterations.

What is your view on the Productive Places section?

Please provide your response in the box provided.:

We are broadly supportive of the strategic vision for productive places. We would emphasise that many parts of the planning system cut across the 4 areas of the strategic vision, including the historic environment, and we would welcome clearer acknowledgement that all parts of the system are expected to contribute, where possible, to the productive places vision.

For example, the NPF4 Position Statement includes explicit recognition that the ‘energy of the cultural heritage, historic environment and arts economy’ can be harnessed support town centre regeneration.

Beyond this single issue, we also know that vibrant heritage and areas which preserve their historic character generate stronger economic outcomes for businesses, and activities like archaeological investigation can contribute to the wellbeing economy by enhancing local sense of place and involving local people in learning about local heritage.

For example, the NPF4 Position Statement says: “Protecting, restoring and enhancing our natural and cultural heritage should form the foundations of a place-based approach to our future development”. We welcome this message and note that it is not communicated as clearly in the draft NPF4 text.

What is your view on the Distinctive Places section?

Please provide your response in the box provided:

We are strongly supportive of the strategic vision for distinctive places. We note that historic environment policies have been most clearly associated with this strategic objective but would emphasise that many benefits resulting from the careful management and investigation of the historic environment cut across the 4 areas of the strategic vision. We would therefore welcome clearer acknowledgement that all parts of the planning system are expected to contribute, where possible, to all aspects of the vision.

We strongly support the principles about the need to ensure that people can value, enjoy, protect and enhance their environment – including the historic environment – and the strategy to “value, enhance, conserve and celebrate our best places and to build better places for future generations”.

We are slightly concerned, however, that the good principles in the summary of the distinctive places vision is not evident throughout the policies in section 3. Whereas the vision highlights the need to protect AND enhance our historic environment, many of the policies take a more negative approach to the historic environment. For example, rather than articulating policies which manage change to the historic environment, offset harm and create public benefit, many policies simply state that there must be “no adverse impacts” or similar wording. Our comments on the individual policies illustrate this disparity of language with reference to specific policies.

We would also like – for the avoidance of doubt – to include specific mention of the historic environment within the definition of the environment in the glossary. The Distinctive Places summary gives the impression that this is the case, but the wording in the glossary definition is not clear.

What is your view on the 'Spatial principles for Scotland 2045' section?

Please provide your response in the box provided.:

Do you have any other comments on the National Spatial Strategy outlined in NPF4?

Please provide your response in the box provided.:

What is your view on the 'Action areas for Scotland 2045' section?

Please enter your response in the box provided? :

We have no objection to the principle of the 5 action areas nor to the definition of strategic actions, however, we note that this section feels overly long and we question whether the content should be limited to a description of the strategic significance of the regional action areas and brief summary of with the detail of the actions moved to an appendix. The positioning of 32 pages of regional spatial strategy and the further 24 pages on National Developments which follows, between the strategic vision and policies in Part 3 is, we feel, unhelpful to the readability of the document. As we have stated in an earlier question on structure, we would support the re-organisation of the document to move much of the content on Action Areas and Part 2 – National Developments to an appendix.

Do you have any other comments on the Action areas for Scotland 2045 outlined in NPF4?

Please enter your response the box provided.:

Part 2 – National Developments

Please provide your views on each of the National Developments in the text boxes provided below.

Central Scotland Green Network :

National Walking, Cycling and Wheeling Network :

Urban Mass/Rapid Transit Networks (Aberdeen, Edinburgh, Glasgow):

Urban, Sustainable Blue and Green drainage solutions :

Circular Economy Material Management Facilities :

Digital Fibre Network :

Island Hub for Net Zero :

Industrial Green Transition Zones :

Pumped Hydro Storage :

Hunterston Strategic Asset :

Chapelcross Power Station Redevelopment :

Strategic Renewable Electricity Generation and Transmission Infrastructure :

High Speed Rail :

Clyde Mission :

Aberdeen Harbour :

Dundee Waterfront :

Edinburgh Waterfront :

Stranraer Gateway :

Please provide any other comments on the National Developments section of the NPF4?

Please provide your response in the box provided.:

We have no objection to the articulation of strategically significant national developments within the NPF, however, we note that this section feels overly long and we question whether the content should be limited to a description of the strategic significance and government aspiration for national developments' contribution to the NPF strategic vision, with the detail of the 18 specific developments moved to an appendix. As we have stated above, the positioning of 24 pages on National Developments, in addition to the 32 pages on regional action areas between the strategic vision in Part 1 and policies in Part 3 is, we feel, unhelpful to the readability of the document. As we have stated in an earlier question on structure, we would support the re-organisation of the document to move much of the content on Action Areas and Part 2 – National Developments to an appendix.

We are also concerned that the need to update the document as these projects are completed and new projects are developed will mean that the Framework begins to show its age much more quickly than if it were simply a strategy and policy document. Isolating the time-limited elements of specific infrastructure projects in an appendix would be a way that updates to these sections could be undertaken without interfering with the strategy or policies.

Part 3 – National Planning Policy

Please provide your views on each of the National Planning Policies in the text boxes provided below.

Policy 1: Plan-led approach to sustainable development :

We strongly support this policy and highlight the relevance of the historic environment to ensuring land-use that is in the long term public interest.

Policy 2: Climate emergency :

We strongly support this policy and highlight the relevance of the historic environment to meeting goals for minimising emissions. We would welcome a reference in this policy to embodied/embedded carbon in existing buildings, which is referred to under the Spatial Principle of 'conserving and recycling assets' in the document. This reference in policy 2 would be helpful to recognise that retaining existing buildings is often by far the more carbon efficient model for development by virtue of the embodied carbon and relative to the carbon cost of new buildings.

Policy 3: Nature crisis :

Policy 4: Human rights and equality :

Policy 5: Community wealth building :

Policy 6: Design, quality and place :

Throughout the draft NPF4, the historic environment is clearly recognised as deserving protection. However, we are somewhat concerned that the more positive aspects of the historic environment are often missed out when discussing various relevant policies.

Policy 6 'design, quality, and place' recognises that the design of development should contribute positively to existing character and sense of place, however, there is no definition or guidance on interpreting character and sense of place, and the only reference to the historic environment is on relation to guidance on new design in historic settings, which does not deal with the preservation of existing buildings or features which contribute to character and therefore to the quality of design of a locale and local sense of place.

Policy 7: Local living :

Policy 8: Infrastructure First :

Policy 9: Quality homes :

Policy 10: Sustainable transport :

Policy 11: Heat and cooling :

Policy 12: Blue and green infrastructure, play and sport :

Mention of heritage activities in this policy and could be helpfully added to the list in paragraph 2. Not including it could limit the likelihood that benefits resulting from heritage (e.g. contribution to the conservation of the significance of heritage assets or increased public enjoyment of heritage assets) where improved by blue and green infrastructure will be recognised or pursued by developers.

Policy 13: Sustainable flood risk and water management :

Policies 14: Health and Wellbeing :

Policies 15: Safety :

Policy 16: Land and premises for business and employment :

We welcome inclusion at paragraph (g) for development proposals to take into account environmental quality and historic environment assets. We note that it will be necessary to have guidance to explain possible approaches for what this will look like.

Policy 17: Sustainable tourism :

Policy 18: Culture and creativity :

Policy 19: Green energy :

As with other policies, we are supportive of Government's desire to ensure adverse impacts on the historic environment are avoided, however, we are concerned that the wording in paragraph (j) does not describe a realistic expectation for how impacts of solar array development on the historic environment are managed through the planning system.

We recognise that the wording does not necessarily imply that development proposals will not be supported where there are (any) adverse impacts, but this is not clear. We therefore recommend a wording which retains a statement about the need to carefully consider impacts, but which also recognises that some adverse impacts may be inevitable, and that the key factor in determining whether such impacts will be acceptable will be whether proposals set out how they will avoid and minimise adverse impacts and, where avoidance is not possible, provide evidence of sufficient offsetting public benefit (e.g. through the agreement and delivery of an archaeological Written Scheme of Investigation).

We support the inclusion of historic environment in paragraph (k) and the current wording.

Policy 20: Zero waste :

We support the wording used in paragraph (e) regarding "unacceptable impacts (including cumulative) on ... historic environment assets". This wording recognises that some level of adverse impact may be unavoidable and that certain impacts may be acceptable (provided that they are subject to appropriate socially beneficial offsetting activities, for example, undertaking a scheme of archaeological investigation, publishing or disseminating findings, or undertaking public engagement activities).

Policy 21: Aquaculture :

Policy 22: Minerals :

As with other policies, we are supportive of Government's desire to ensure adverse impacts on the historic environment are avoided, however, we are concerned that the wording in paragraph (d) does not describe a realistic expectation for how impacts of minerals extraction development on the historic environment is currently managed through the planning system.

We recognise that the wording does not necessarily imply that development proposals will not be supported where there are (any) adverse impacts, but this is not clear. We therefore recommend a wording which retains a statement about the need to carefully consider impacts, but which also recognises that some adverse impacts may be unavoidable, and that it will be necessary for proposals to minimise adverse impacts and, where necessary, provide evidence of offsetting public benefit (e.g. through the delivery of a scheme of archaeological investigation, dissemination of findings, or undertaking public engagement activities).

Policy 23: Digital infrastructure :

Policies 24 to 27: Distinctive places :

As with other policies, we note a need for guidance that will support stakeholders to understand how to ensure that proposals have an 'acceptable impact on the character and amenity' of an area. We recognise that this cannot be fully elucidated within NPF4, but a glossary definition of local character and sense of place would be helpful in providing a clear meaning for the term, and should include reference to the importance of the historic environment to the local character of places.

We recommend including a reference to 'not adversely affecting the preservation of frontages which contribute to historic character of the area' within Policy 27 paragraph (d).

Policy 28: Historic assets and places :

We are strongly supportive of the NPF's aim to protect and enhance our historic environment, however, we have several vital points that will need addressing to ensure that the policy is fit for purpose.

There is currently no reference to Historic Environment Records (HERs) in the policy. We strongly urge government to include specific reference to the requirement for developer to consult – at a bare minimum - HERs to aid in the assessment of possible impacts of development proposals. This could be inserted into paragraph (b).

We also note that paragraph 140 from SPP, which includes the important requirement that 'planning authorities should have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area' is missing from the Draft NPF4. We strongly advise that this provision is carried over, even if only as a footnote within this section.

Further vital guidance is currently located in PAN 2/2011 and it will be important that this guidance is not lost in the move to NPF4. Local authorities regularly leverage this guidance in order to ensure appropriate outcomes from planning for the historic environment.

Depending upon the Government's plans for existing supporting guidance, it may be that certain provisions would be more appropriately upgraded from the PAN to sit within NPF4. We would also strongly urge government to include reference to any updated PAN within the NPF4 text, as is the case with the Managing Change Guidance Notes, published by Historic Environment Scotland. We would welcome the chance to discuss the detailed content of the PAN as consultation progresses.

Paragraph (p) notes that 'archaeological discoveries are made in the course of development works, they should be reported to the planning authority to enable discussion on appropriate inspection, recording and mitigation measures'. However, this is a poor description of current practice, implying that archaeological planning and mitigation is undertaken in an ad hoc way 'in the course of development', whereas most archaeological inspection, recording, and offsetting measures will have been agreed as part of the planning permission, following pre-determination archaeological assessment.

At a bare minimum, paragraph (p) needs to be amended to reflect the precautionary nature of archaeological impact assessment and mitigation measures. A wording similar to paragraph (h) of Policy 32 would be a suitable addition, e.g.: "Planning authorities should apply the precautionary principle where the impacts of a proposed development on land with a high potential to contain undiscovered heritage assets are uncertain but there is sound evidence indicating that damage could occur."

PAN 2/2011 contains detailed guidance on these issues and should also be retained.

As stated elsewhere in this response, there are a number of places in Policy 28 where wordings relating the thresholds of acceptability for proposals which adversely impact on heritage assets and their settings may need to be reviewed. We are pleased that government wants to retain strong protections, but some of the language currently used appears to misunderstand the nature of the approach taken by professionals managing change to heritage assets, and could create problems resulting due to an overly high bar for adverse impacts on heritage assets or their setting.

For example, paragraph (h) suggests that 'development proposals which affect scheduled monuments should only be supported where they avoid direct impacts on scheduled monuments and any adverse impacts upon their setting'. We are supportive of a planning system which takes such impacts seriously, but note that this appears to be an increase in the acceptability threshold for development affecting scheduled monuments, when compared with SPP paragraph 145 which suggests that 'where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances'.

Paragraph (d), (f) and (i) have similar issues, and we would stress that the approach managing impacts on heritage should be one which does not seek to prohibit the vast majority of development, but rather seeks to ensure that development preserves and enhances the significance of assets, while facilitating sustainable development. In some cases, particularly where buried heritage assets are concerned, adverse impacts may be unavoidable, but these can be offset by public benefit gains resulting from various opportunities, such as archaeological investigation to learn more about assets and disseminate the findings, or development design that enhances experience of those assets.

Our main concern in making these points about acceptability thresholds is that we are concerned that as currently drafted the historic environment is set out as primarily an obstacle to development, rather than an issue where appropriate management of change is necessary, and often can be made

acceptable, especially where development seeks to generate positive outcomes which promote, or enhance protection for heritage.

We feel that it would be possible to tweak the language throughout this policy in a way which retains strong safeguards, but which also encourages creative management and positive conservation or enhancement of heritage assets and which recognises the role of archaeological investigation in offsetting adverse impacts, and the contribution that these activities can make to vibrant and sustainable development.

Policy 29: Urban edges and the green belt :

We support the exemption to the policy to not support development in green belts for reuse, rehabilitation and conversion of historic environment assets.

Policy 30: Vacant and derelict land:

We support policy for the re-use of vacant and derelict land, but stress the need for appropriate processes for assessing applications, as much brownfield land is of high archaeological significance. As such, approaches to permitted development on such land create a real risk that heritage assets may be adversely impacted, and that development suffers delay and additional costs.

We would welcome an explicit reference to potential for high archaeological value brownfield sites, noting that development on land with high archaeological potential must demonstrate that the land has been subject to proper assessment and is subject to an agreed written scheme of investigation.

Policy 31: Rural places :

Policy 32: Natural places :

We note that paragraph (d) refers to development proposals that will affect National Parks' objectives of designation and overall integrity. National Parks are designated and managed for both natural and cultural characteristics and values. This is because our National Parks – and indeed all our landscapes – are not simply natural places, but rather are cultural landscapes which have been shaped and reshaped by people for millennia. We would welcome provision in policy 32 that recognised that human designed and managed features of 'natural' places should be seen as contributing to and relevant to preservation objectives in those places. As such cultural and heritage impacts of developments in natural places (particularly National Parks, where there is a statutory basis for this cultural heritage preservation) should also be seen as factors relevant to whether a development proposals should be supported.

Policy 33: Peat and carbon rich soils :

Policy 34: Trees, woodland and forestry :

We recommend including reference in paragraph (b) to the historic environment, adding a bullet point to the effect of: "adverse impacts on the historic environment, unless subject to a satisfactory historic environment management plan".

Policy 35: Coasts :