

# PLANNING SERVICE STANDARD



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA



## HERITAGE DIRECTORATE: OUR PLANNING SERVICE STANDARD

The marine and terrestrial planning processes help to deliver the Scottish Government's purpose of creating a more successful country, with opportunities for all to flourish through increasing sustainable economic growth. The Scottish Economic Strategy, as well as [Our Past, Our Future](#), the historic environment strategy for Scotland, recognises that investment in protecting and enhancing our historic assets is fundamental to a cohesive and resilient economy and the creation of sustainable places.

The purpose of this service statement is to outline how Historic Environment Scotland (HES) will engage in the planning system to support these objectives. It applies to our involvement in the planning system and other regulatory systems relevant to development on land and at sea.

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## INTRODUCTION

The purpose of this service statement is to outline how HES will engage in the planning system. It applies to our involvement in the planning system and other regulatory systems relevant to development on land and sea. This includes our advice on applications under [the Electricity Act](#) and licenses under [the Marine \(Scotland\) Act](#).

HES is the lead public body established to investigate, care for and promote Scotland's historic environment. Through our role in the planning system we provide advice on the effects of plans, policies and development proposals on Scotland's historic environment. This includes Scotland's six World Heritage Sites, nationally important marine and terrestrial archaeology, historic buildings, gardens and designed landscapes and battlefields.

## OUR VISION AND OBJECTIVES

Our vision is that Scotland's historic environment is cherished, understood, shared and enjoyed with pride, by everyone.

The remains of the past can act as a powerful catalyst and a stimulus to high quality new design and development. We believe that the historic environment should be valued as an asset, not thought of as a barrier to development. It reinforces the identity of communities, and can add value, particularly if that value is recognised at the outset and becomes an integral part of any development or regeneration project.

To help achieve this vision and meet these objectives we will:

- build capacity of others to plan for development that minimises impacts upon our historic environment by sharing our knowledge, skills and expertise
- help decision-makers understand the impact of development on our historic assets, and enable others to achieve the right development in the right place
- support high quality development which maximises benefits to people and the historic environment
- help deliver faster, more efficient planning and consenting processes
- deliver our functions in a way that contributes to achieving sustainable economic growth
- engage at an early stage in strategic planning, Strategic Environmental Assessment (SEA) and with individual development proposals
- target advice on plans and proposals that could have impacts on Scotland's historic environment and raise issues of national interest
- provide advice that is proportionate, enabling, clear and unambiguous

## REGULATORY REFORM

The service we provide aligns with the principles of better regulation and the requirements of the [Scottish Regulators' Strategic Code of Practice](#). This means that our advice and conduct will be:

- **Proportionate**  
Our participation and advice will be proportionate to the nature, scale and importance of the potential impacts that a plan, policy or proposal might have on the historic environment.
- **Consistent**  
Our advice will be evidence based and consistent across Scotland.
- **Accountable**  
We will publish annual Planning Performance Reports that detail our contribution to the planning system on our [website](#).
- **Transparent**  
Planning authorities will publish our responses on their websites. We will publish our response to certain strategic plans, policies and projects on our own [website](#). Decisions we make about designating heritage assets will be published on our [website](#). We will also publish information about the consents we determine as part of the scheduled monument consent process on our [Heritage Portal](#). Our decision making framework is published on our [website](#).
- **Targeted**  
We will focus our efforts on plans and proposals that could have effects upon Scotland's historic environment that raise issues of national importance.

## BUILDING CAPACITY AND MANAGING CHANGE

Scotland's historic environment is intrinsic to our sense of place and cultural identity. It is diverse, but tells the story of our shared past. A wide range of bodies, groups and individuals have an interest in, or responsibility for, its care. We must make effective use of the skills, experience and resources of all parties, to realise the values and benefits of our historic environment.

To support this we publish a range of [research](#) and [guidance](#) related to development and the historic environment. We also engage with our key partners, local communities and communities of interest to provide opportunities for sharing knowledge and expertise in dealing with historic environment issues.

## OUR ROLE IN THE PLANNING SYSTEM

Within the Heritage Directorate of HES we undertake functions within the planning system to meet these aims and contribute to the Scottish Government's wider objective of sustainable economic growth. Planning helps to maintain and enhance Scotland's distinctive historic places.

Such places enrich our lives, contribute to our sense of identity and add considerable value to our economy as tourism and leisure destinations.

As a [Key Agency](#) we contribute to development plans and other national and regional spatial plans that affect the environment. We are also a statutory consultee for some planning applications, marine licenses and for all Environmental Impact Assessment Reports. Information on the statutory functions we fulfil within the planning system as part of our responsibilities for the historic environment can be found in the [Historic Environment Circular 1](#).

We also determine applications for scheduled monument consent. More information on this can be found on our [website](#).

## THE BASIS OF OUR ADVICE

Our advice is shaped by legislation and based upon government policy and guidance. We will uphold the advice we provide to decision-makers in appeal procedures where necessary. Unless material circumstances change, we will not alter our advice. It is for the relevant decision-maker to reach a view on the balance of competing interests.

When we do not object to a proposal, this does not mean that there are no impacts on the historic environment that will need to be taken into account in determining the application. The decision-maker will take a range of factors into account in considering the proposal and our advice is one of a range of considerations that will be taken into account as part of that process.

## SPATIAL PLANNING

We support the plan-led approach to development. By engaging early in the planmaking process we can help guide development to the right places and reduce the risk of problems or delays. We can also help to maximise the benefits to be realised from the sustainable management of the historic environment. Our consultation timescales are set out in [Annex A](#). Guidance on what to consult us on can be found in [Annex B](#).

### **National Planning**

Participation in national plan making is an important means to achieve shared outcomes. These are expressed through the [National Performance Framework](#). Contributing to these plans helps us to fulfil our central purpose of protecting and conserving the historic environment for the enjoyment, enrichment and benefit of everyone, now and for future generations.

We will:

- help implement the [National Planning Framework](#) and provide advice and information to support their future revisions
- provide advice and information to support and help implement other national plans, policies and strategies such as the National Marine Plan, the National Renewables Infrastructure Plan, [Our Past, Our Future](#)
- consider these plans, policies and strategies when we contribute to the preparation of development plans and advise on development management

### **Strategic and Local Development Planning**

As a [Key Agency](#) we provide input into development plans to ensure that the historic environment is considered in a positive way. We also act as a Consultation Authority for SEA, ensuring that the potential environmental effects of development plans are understood.

In supporting a plan-led process, we will:

- participate and collaborate as an active partner throughout the plan-making process
- provide data, information and expertise on the historic environment to support site assessments and development delivery
- promote the benefits provided by the historic environment and show how heritage assets are and can be key components of the distinct characteristics and strengths of a place
- promote place-making principles in historic settings and support good design
- facilitate SEAs that are proportionate and integrated within the plan-making process
- support the preparation of development frameworks, masterplans, briefs and other planning tools that take account of and maximise the benefits of the historic environment
- use action programmes to prioritise our contribution to implementing the plan
- provide information and advice to the Directorate for Planning and Environmental Appeals, where required, to support the plan examination process

### **Strategic Environmental Assessment**

SEA is required for all public sector plans, programmes and strategies that are likely to have significant environmental effects. We will work with public bodies at an early stage to help them ensure that environmental issues are taken into account during their preparation and implementation. A range of guidance on environmental assessment is available on our [website](#).

**HES Geographic Information System (GIS) layers & development planning** The GIS layers below can assist in identifying and taking account of historic environment assets during the preparation of Strategic and Local Development Plans and other associated long term growth strategies. A guide to the types of questions to consider in relation to these assets and development allocations can be found in the following [SEA pro-forma](#).

- Listed Buildings
- Scheduled Monuments
- Gardens and Designed Landscapes
- Battlefields
- Historic Marine Protected Areas
- Conservation Areas
- World Heritage Sites
- Properties in Care
- Historic Land-use Assessment

This information can be downloaded from our [website](#).

### **Development Management**

In our role as a statutory consultee in the planning system we advise decisionmakers in their consideration of applications for planning permission affecting historic environment assets of national importance, applications for listed building consent and conservation area consent. We are also consulted on all applications for planning permission requiring an Environmental Impact

Assessment (EIA), including those under the [Planning](#) and [Electricity Acts](#) and other consenting regimes.

### **Designation and our advisory service**

Where we are involved in pre-application discussions, we can help with identifying how the particular significance of designated heritage assets can be managed in the planning of development proposals. Listed buildings, scheduled monuments and gardens and designed landscapes and battlefields included on their respective Inventories can be reviewed as part of the pre-application process. This may be helpful in providing clarity over the status of heritage assets and in removing uncertainty in relation to development proposals affecting the historic environment. Our form for applying for such a review is available from our [website](#).

Anyone can apply for a Certificate of Intention Not to List (COINTL) which gives certainty to owners and developers planning works on a particular building. The aim of the COINTL process is not to exempt a building from listing. It instead ensures that the listing criteria are considered at an early stage in development and planning proposals. Further information on COINTL and an application form are available from our [website](#).

### **Pre-application engagement**

We encourage pre-application consultation for all aspects of this work and Historic Environment Scotland is committed to the principles set out in the [Key Agencies statement on pre-application engagement for National and Major Developments](#). Where possible, we aim to provide relative certainty as soon as we are able in the development process. We will use relevant policy, guidance and our professional judgement to provide advice on how historic environment issues these may be managed through the design process. We will identify as early as possible where there is an insurmountable difficulty for our interests, to avoid unnecessary effort or expense on the part of the developer and others.

### **Our advice on development proposals**

Our role is to provide advice to decision-makers on the impact of development proposals on the historic environment. By working with others, we aim to help high quality development happen in the appropriate places. This means providing advice, where appropriate, that helps decision-makers and developers understand whether significant effects on the historic environment can be overcome by siting, design or other mitigation. We expect a plan-led approach and early engagement to avoid or minimise most significant impacts on the historic environment. Our advice will be proportionate, enabling, clear and unambiguous.

In engaging in the development management process, we will:

- consider each case on its own merits
- ask for information only where it is necessary for us to form a view and provide clear advice
- object only where we identify impacts on the historic environment that raise issues of national interest
- focus on the greatest opportunities for, or threats to, the historic environment – our advice will be in proportion to the potential impacts that a proposal might have



We do not have a statutory role in writing or discharging of planning conditions or legal agreements. However, we may advise on the need for them and their general scope and objectives. The resolution of the detail of such obligations lies with the relevant decision-maker.

### **Environmental Impact Assessment**

The main aim of the EIA process is to ensure that the decision-maker for a particular project makes its decision in full knowledge of any likely significant effects on the environment. Our advice on EIA helps to ensure that significant effects on the historic environment are accurately assessed and mitigated in the design of relevant projects.

We encourage early engagement on the scope and preparation of EIAs so that the most significant issues are identified early. This helps to avoid delays and objections on the basis of insufficient information at the application stage. The identification of a significant impact in an EIA is a consideration for the decision-maker, but does not necessarily mean that we will object to a proposal.

Our [guidance](#) helps developers and their consultants draw upon good practice and carry out assessments to a high standard. We will advise on the key information necessary to inform our consideration of the proposal and ensure that the content of the assessment is proportionate to the scale and complexity of the likely impacts.

## COMMUNITY PLANNING

Community planning is a process in which public bodies work together with the community to plan and deliver better services which make a real difference to people's lives. Increasingly community and spatial planning are working together to develop and maintain successful places.

As a statutory partner for community planning, HES will:

- cooperate with and support other partners in carrying out community planning
- take account of Local Outcome Improvement Plans in carrying out our functions
- contribute such funds, staff and other resources as the Community Planning Partnerships consider appropriate to improve local outcomes in their Local Outcome Improvement Plans and secure participation of community bodies in community planning

## SERVICE LEVELS

All consultations and written requests for advice on development proposals should be sent to [HMConsultations@hes.scot](mailto:HMConsultations@hes.scot). Our consultation timescales are set out in [Annex A](#). In the absence of a specified deadline we will apply the minimum timescale. We support the use of processing agreements for national and major developments particularly where applications for consent will be coming forward under a number of consenting regimes. Where they are used for cases involving us, we will provide advice to help the applicant and decision-maker to frame the agreement and to apply a single, realistic timescale covering the relevant aspects of the application.

## ANNEX A – OUR CONSULTATION TIMESCALES

ACTIVITY	STANDARDS OF SERVICE
Designations	
Listing and Scheduling Applications	Within 6 months
Gardens and Designed Landscapes and Battlefield Applications	Within 8 months
Projects involving larger sites (e.g. estate reviews)	Timescales to be agreed depending on stakeholder needs, the scale of the project and our other priorities
Listed Building Consent and Conservation Area Consent	
Pre-application Consultation	21 days from receipt
Consultation	14 or 21 days from receipt, or extended period as agreed
Re-consultation	Timescale varies
DMPR	
Pre-application	21 days from receipt
Consultation	14 or 21 days from receipt, or extended period as agreed with planning authority
Scheduled Monument Consent	
Pre-Application Consultation	21 days from receipt
Determination	8 weeks to reach a view, unless previously agreed with the applicant. Certain applications may also need to be notified to Scottish Ministers for their consideration, this process can take up to an additional 4 weeks.

Development Plan Consultations	
Evidence Report Consultation	Ongoing engagement or as requested by the planning authority
Proposed Plan Consultation	Within time specified by the planning authority but generally within 6 – 12 weeks
Consultations on drafts including emerging spatial strategies	21 days from receipt
Strategic Environmental Assessment	
Screening Report	Within 28 days
Scoping Report	Within 35 Days
Environmental Report and accompanying plan, programme or strategy	As agreed at scoping (usually 6 weeks)
Environmental Impact Assessment (2017 Regulations)	
Scoping Report	Within time specified by the competent authority, but likely to be less than 28 days
EIA Report	Within 30 days on receipt of the consultation, or other agreed period
Environmental Impact Assessment (2011 Regulations)	
Scoping Report	Within 5 weeks, or other agreed period
Environmental Statement	Within 4 weeks, or other agreed period

## ANNEX B – CHECKLIST FOR WHEN TO CONSULT HES

Historic Environment Scotland welcomes consultations, including pre-application consultations in relation to development proposals which fall into any of the categories below.

Development Planning	<input checked="" type="checkbox"/>
Evidence Reports / requests for evidence	<input type="checkbox"/>
Proposed Plans (In practice we will also be consulted on the related SEA)	<input type="checkbox"/>
Delivery Programmes where HES is identified as a delivery partner / consultee	<input type="checkbox"/>
Development Management	<input checked="" type="checkbox"/>
Applications for conservation area consent (demolition of an unlisted building in a conservation area)	<input type="checkbox"/>
Applications for listed building consent for alterations to category A and B listed buildings	<input type="checkbox"/>
Applications for listed building consent for demolition	<input type="checkbox"/>
Applications for listed building consent by planning authorities	<input type="checkbox"/>
Development which may affect a category A listed building or its setting	<input type="checkbox"/>
Development which may affect a scheduled monument or its setting	<input type="checkbox"/>
Development which may affect a site included on the Inventory of Gardens and Designed Landscapes in Scotland	<input type="checkbox"/>
Non-Householder Development which may affect an Inventory battlefield	<input type="checkbox"/>
Non-Householder Development which may affect a World Heritage Site	<input type="checkbox"/>
Development affecting the preservation objectives of a Historic Marine Protected Area	<input type="checkbox"/>
Development of land which is situated within 800 metres from any Royal Palace or Park which might affect the amenities of that Palace or Park.	<input type="checkbox"/>
Environmental Impact Assessment	<input checked="" type="checkbox"/>
Screening requests where a specific historic environment issue has been identified following initial assessment by the decision-maker. The issue in question should be made clear.	<input type="checkbox"/>
Scoping requests and EIA Reports produced in connection for a development proposal that requires EIA. (In practice we will also be consulted on the related development proposal.)	<input type="checkbox"/>

Strategic Environmental Assessment	<input checked="" type="checkbox"/>
Screening requests	<input type="checkbox"/>
Scoping requests and Environmental Reports produced in connection for a plan or policy that requires SEA. (In practice we will also be consulted on the related plan, programme, policy or strategy.)	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>
Applications for scheduled monument consent	<input type="checkbox"/>
Marine licence applications (for development that may affect designated heritage assets)	<input type="checkbox"/>
Dangerous building notices	<input type="checkbox"/>

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