HISTORIC ENVIRONMENT POLICY FOR SCOTLAND

CONSULTATION ANALYSIS & REPORT

APRIL 2019

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ACKNOWLEDGMENTS

Thanks to the individuals, organisations and others who took the time to respond to this consultation and to staff at Historic Environment Scotland who provided input and offered advice as part of this analysis.

INTRODUCTION

Background to the consultation

In 2016, Historic Environment Scotland (HES) committed to a review and replacement of the Historic Environment Scotland Policy Statement (HESPS). This was an interim document which was put in place when HES was formed, having itself formed an integral part of our predecessor organisations' policy framework for the past 15 years.

Building upon the findings of the What's Your Heritage? project, we held conversations with stakeholders on how to take this forward. We undertook an initial consultation on our approach to the review and replacement of this policy in May 2018 and more recently held a public consultation on a draft policy document between 10th September and 3rd December 2018.

In parallel with this, revised operational information and guidance has been developed alongside the new policy document, and will be in place before HESPS is withdrawn and the new policy is adopted on 1 May 2019.

What is the purpose of this report?

The purpose of this report is to outline the findings of the consultation exercise between 10th September and 3rd December 2018 on the new draft Historic Environment Policy for Scotland (HEPS) and explain how we have taken these views into account.

The first part of this report (A) analyses and summarises the views expressed during the public consultation and related engagement activities that took place between 10 September and December 2018. The second part of this report (B) describes what changes we have made to the policy in light of this feedback.

The following chapters document the substance of our analysis and present the main views expressed in responses. The consultation questions are included in Appendix 1.

PART A – CONSULTATION ANALYSIS

1. APPROACH TO CONSULTATION

1.1 How did we distribute and advertise the consultation?

The consultation on the draft HEPS was distributed as an online survey consisting of approximately 30 questions. The survey was hosted by the SurveyMonkey online platform. A list of the questions asked is provided in Appendix 1.

A notification about the survey was sent to:

- Existing contacts of those already engaged with What's Your Heritage project and the policy review process (123 individuals).
- National Parks and Local Authority Development Plan team mailboxes (34).
- Public bodies and agencies (18).
- The Built Environment Forum – who circulated amongst their members and included as a notification in their newsletter.

The consultation was also promoted on social media (LinkedIn and Twitter) and was available to view on the current consultations section of the HES website.

1.2 How did we encourage participation?

Those notified about the consultation were encouraged to complete the online questionnaire. The survey was also provided in other formats upon request (e.g. as pdf and Word documents). A reminder to complete the survey was issued shortly before the consultation closed.

Historic Environment Scotland staff also promoted the consultation during the course of their engagement with stakeholders in other contexts. Building upon our engagement with the What's Your Heritage Project we were particularly keen to reach new audiences and so a variety of other opportunities were taken to highlight this area of work. Finally, discussions were also held with a number of consultees and interested parties before, during and immediately following the consultation period.

1.3 How did we analyse the responses?

Comments given in response to each question were examined and main themes, similar issues raised or comments made in a number of responses, were identified. In addition, we looked for sub-themes such as reasons for opinions, specific examples or explanations, alternative suggestions or other related comments.

Some questions contained an agree/disagree scale tick box option to allow respondents to indicate their response (typically ranging on a 5 point scale from strongly agree to strongly disagree). Results from these questions are presented in graph format. Where respondents did not use the questionnaire format for their response but indicated within their text their answer to one of the closed questions, these have been included in the relevant count.

The main themes were then looked at in relation to respondent groups to ascertain whether any particular theme was specific to one particular group (e.g. local authorities, private businesses), or whether it appeared in responses across groups. When looking at group differences however, it must be borne in mind that where a specific opinion has been identified in relation to a particular group or groups, this does not indicate that other groups do not share this opinion, but rather that they have simply not commented on that particular point.

The following sections of this report document the substance of the analysis and present the main views expressed in responses. Sample quotes have been included to illustrate a range of views expressed.

2. EXECUTIVE SUMMARY

This section describes how many responses were given to the consultation, respondent group information and a summary of views expressed. This includes a combination of statistical information and emerging key themes.

2.1 How many responses did we receive?

We received 245 responses to the survey. Of these, 13 responses related to events at Holyrood Park and / or Stirling Castle[1]. Because these did not relate directly to the content of the HEP consultation these 13 responses have been analysed separately and do not form part of this analysis. This means we received **232 responses** to the consultation questionnaire regarding HEP.

The consultation paper and online survey included a list of organisations and individual groups, and respondents were asked to tick the group most appropriate for themselves or for their organisation. These sub-groups of organisation type were used to enable analysis as to whether differences, or commonalities, appeared across the various different types of organisations and/or individuals that responded.

As can be seen in the following table, the group with the largest number of respondents (96) were individuals, followed closely by undisclosed (92), then organisations, public bodies or charities (23). There were smaller numbers of respondents in private businesses (9), local authorities (6), other sectors (5) and community groups (1).

Respondent group	No. of responses	Percentage of responses
Local authority / National Park	6	2.6%
Organisation, public body or charity	23	9.9%
Private business, such as architect or developer	9	3.9%
Not disclosed	92	39.7%
Individuals	96	41.4%
Community Group	1	0.5%
Other	5	2%
TOTAL	**232**	**100%**

While the consultation gave all those who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, any figures quoted here cannot be extrapolated to the wider population. In addition, none of the questions were mandatory in order to progress, therefore while 232 responses were received overall smaller numbers selected to answer specific questions. For example, some respondents chose to focus on the principles and policies and did not comment on other aspects of the draft policy.

[1] The 13 responses relating to events at Holyrood Park and / or Stirling castle focused on a need to ensure that all the people of Scotland have access to all historic sites and that HES operates under a politically neutral banner. Further information can be found here: www.historicenvironment.scot/about-us/news/statement-on-holyrood-park

A list of those organisations who responded that are content to be identified is included in Appendix 2. The following paragraphs highlight the main themes that emerged in relation to each question posed in the consultation document.

2.2 What did people say?

Overall, there appears to be relatively broad support for the draft policy. Typically, more respondents agreed than disagreed with each of the challenges and opportunities, principles and policies. There are mixed views regarding the purpose, status and objectives of the policy, although slightly more agreed than disagreed that these were clear.

Challenges and opportunities: There was strong agreement for all of the statements relating to challenges and opportunities, with relatively few respondents disagreeing or strongly disagreeing with those identified. Many respondents took the opportunity to provide further comments in relation to their view. Some gaps were identified, although most of these were related to or extensions of the selection that had been identified.

Principles: Respondents were asked to review the core principles that had been provided in relation to Understanding and Recognition, Managing Change and Working Together. The majority of participants agreed or strongly agreed with the core principles for each of these.

Policies: Similarly, the majority of respondents supported the policies relating to these groups, although numerous suggestions were made to refine these, for instance by combining some together, particularly in relation to those for managing change.

2.3 What did people say about the impact assessments?

During the preparation of the draft HEPS two impact assessments were undertaken – a strategic environmental assessment (SEA) and an Equality Impact Assessment (EqIA).

SEA: When asked ‘do you agree with the findings of our environmental assessment?’ almost all respondents felt the key issues associated with the environmental implications of the draft policy had been identified, with only 7 (6%) respondents disagreeing.

Comments in relation to the environmental assessment focused on 3 main areas; issues that should be incorporated into the policy, actions that HES should undertake in delivering the policy e.g. through the provision of supporting material and guidance; and specific reference to its status and how its delivery would be supported and resourced. These largely echoed points made by respondents to an earlier consultation exercise that was held in May 2018 in support of developing a broad direction and structure for the policy.

EqIA: When asked ‘do you agree with the findings of our equality impact assessment?’ the majority of those who responded agreed, strongly agreed or neither agreed nor disagreed. Comments also indicated agreement with the findings identified in our assessment and did not highlight any new or additional issues.

3. ANALYSIS OF RESPONSES

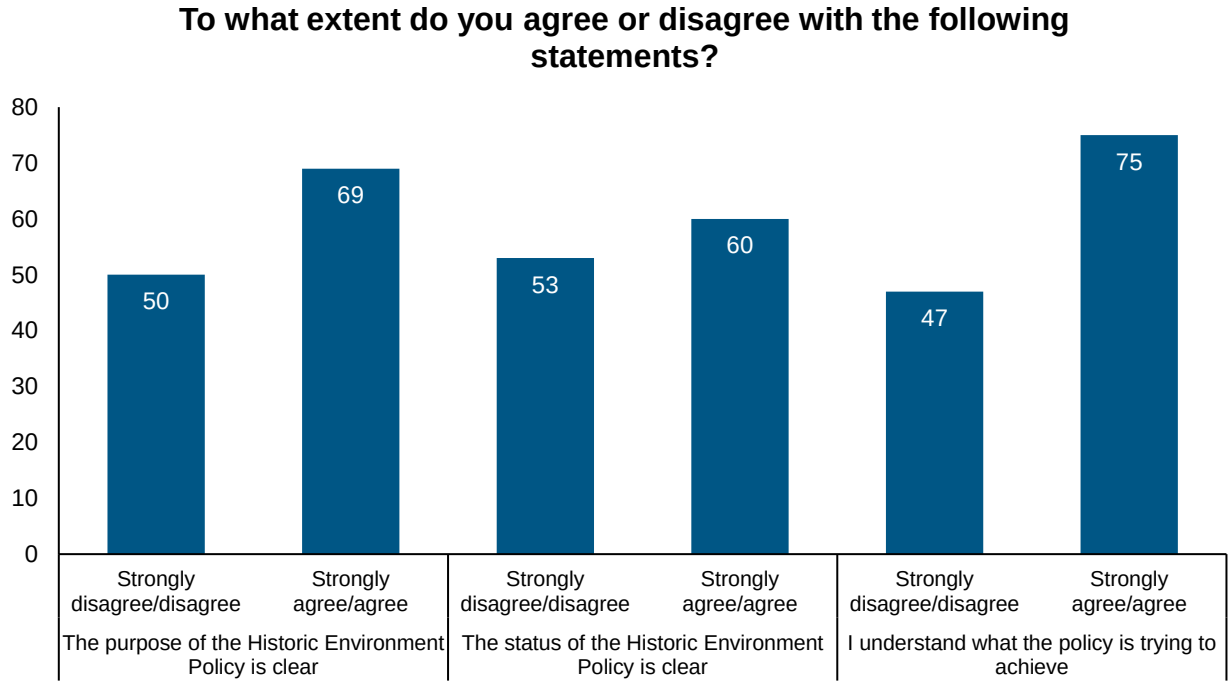
Questions 1-5 related to personal information about those completing the survey (name, organisation etc.) and are not summarised here. Respondent information is set out above at section 2.1 and illustrates the return rates in relation to each grouping.

Question 6 asked to what extent respondents agree or disagree with the following statements? (Strongly disagree, Disagree, neither agree nor disagree, Agree, Strongly agree).

- The purpose of the Historic Environment Policy is clear
- The status of the Historic Environment Policy is clear
- I understand what the policy is trying to achieve

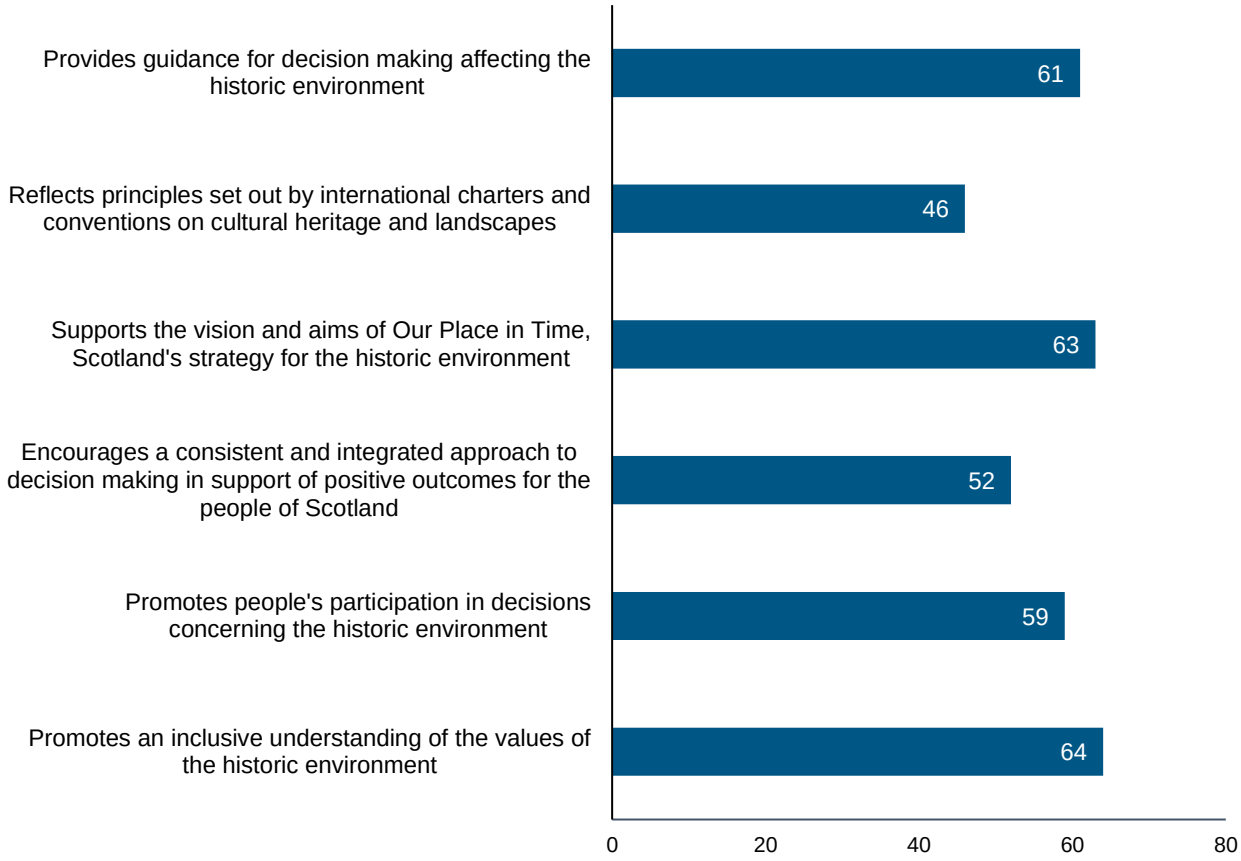
Respondents were also invited to provide additional comments on this question.

The graph below, which removes those who expressed no view, indicates that while the majority of respondents considered the purpose, status and objectives of HEP to be clear, almost as many respondents felt it was not clear.



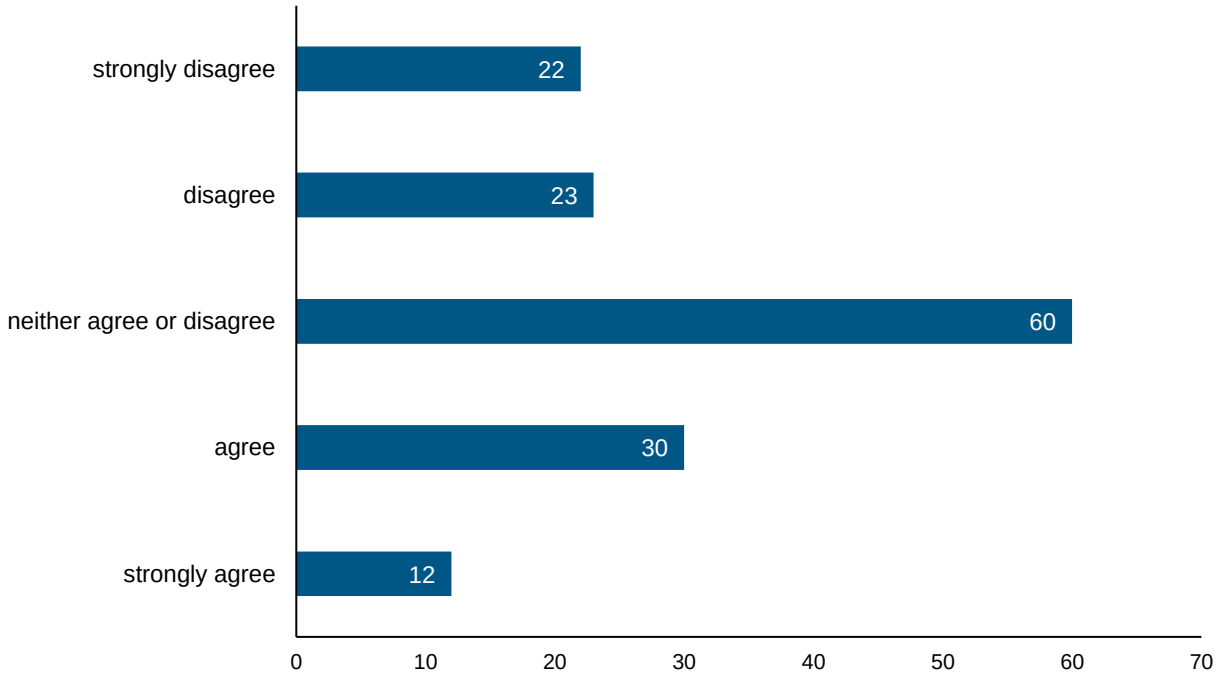
Analysis of the comments associated with this question indicate that there were underlying concerns regarding the relevant weight that might be attached to the policy in decision making contexts.

The next question asked respondents to identify which of the following functions they think the draft Historic Environment Policy performs? Respondents were invited to tick all which they thought applied. The graph below illustrates that, those who gave a view, felt the policy reflected all of the functions listed. However, two functions were identified as being less explicit than the others – reflecting principles set out by international charters and encouraging a consistent and integrated approach to decision making.



The following two questions invited respondents to comment on the proposed name for the policy – Historic Environment Policy. They were invited to indicate to what extent they considered this to be a suitable title, reflecting its content and status and to identify any alternatives.

Is Historic Environment Policy a suitable title?



Some respondents suggested alternative titles for the policy, including:

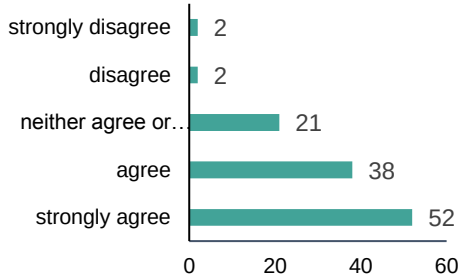
- Historic Environment Policy for the Scottish Nation
- Managing the Historic Environment
- Historic Environment Principles
- Scotland's Historic Environment Policy
- Policy for the Future of Historic Environment Scotland
- Scottish Historical Environmental Protection Policy
- Historic Scotland Policy
- Historic Environment Planning Policy Framework
- Historic Environment Policy for Designated Assets
- Historic Environment Change Policy
- Managing Scotland's Historic Environment
- Historic Environment Change Policy
- Historic protection policy
- Managing Our Historic Environment
- Scotland's Framework for the Historic Environment
- Managing Our Historic Environment

3.1 Challenges and opportunities

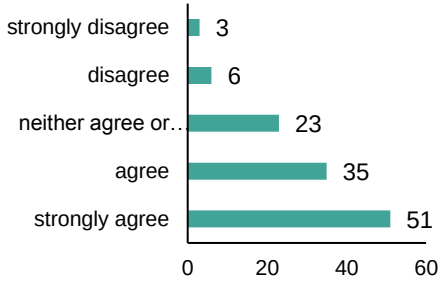
The draft HEP identified 14 challenges and opportunities for recognising, caring for and managing the historic environment. For each, respondents were asked to indicate to what extent they agreed with the topic and the statement describing the challenge and opportunity. Respondents were also invited to identify any gaps that should be included. Each challenge and opportunity was followed with a text box to allow any further commentary.

The following graphs illustrate the responses received in response when asked: to what extent do you agree or disagree with the inclusion of each of these challenges and their definitions?

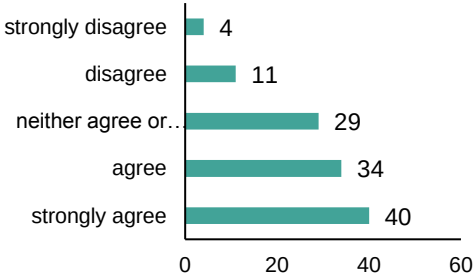
Climate change: Our approach to decision-making affecting the historic environment must recognise and respond to ongoing climate change and support reductions in carbon emissions and waste.



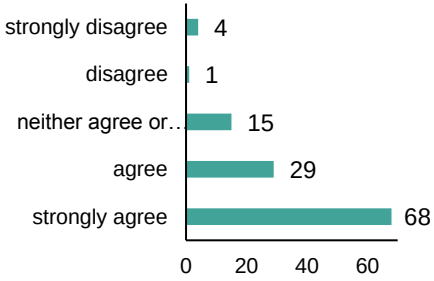
Community participation and empowerment: The more people engage with and participate in decision-making affecting the historic environment, the more sound the decisions we make will be.



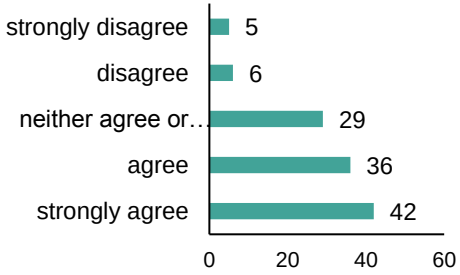
Land management: Agricultural and land use practices and policies have an impact on our historic environment. They change constantly, so we must make sure that systems and principles for the management of the historic environment can accommodate and...



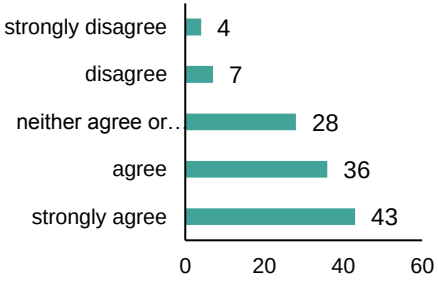
Diversity and equality: Our historic environment should be accessible and provide a source of inspiration, enjoyment and learning for everyone. It should reflect the whole of our society. We need to think and talk about the past in a way that includes...



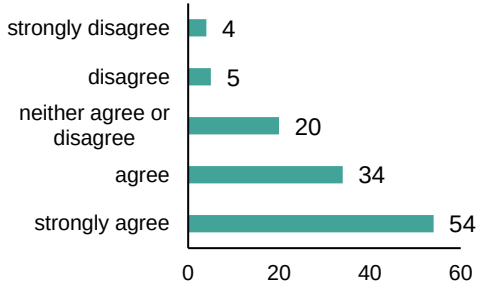
Economic change: A strong economy supports effective management of the historic environment. The historic environment also contributes to inclusive and sustainable economic growth. We should always aim to maximise this, and make sure that people are...



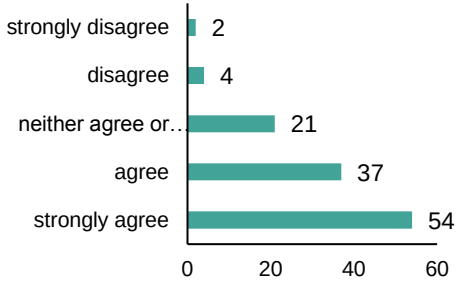
Funding: Not all elements of the historic environment can make enough money to cover the costs of maintaining them. The future of some sites will rely on external funding. There are difficult choices to be made about where to spend the available money...



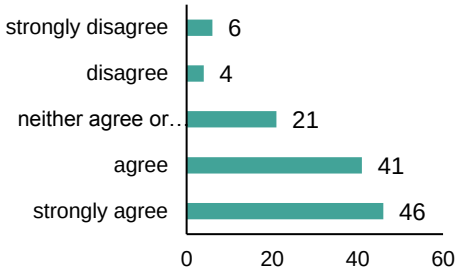
Intangible heritage: Established ways of managing the historic environment are based around physical, tangible things. These might be buildings, monuments, sites...



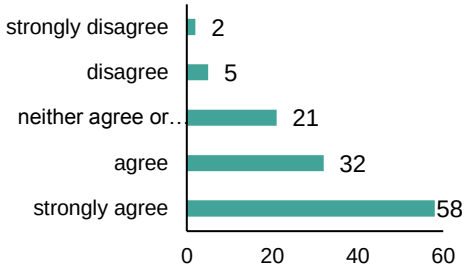
Creating and maintaining places: The places where we live, work and play are central to our wellbeing. The historic environment needs to be central to decisions about how we create, maintain and enhance our places. Ensuring places are sustainable, viable.



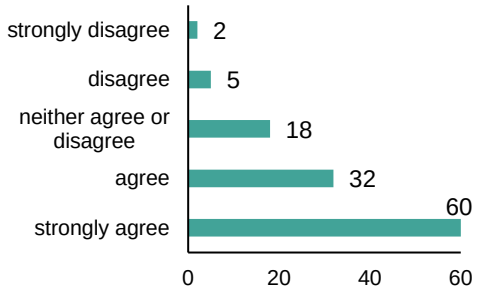
Regulatory change: When regulations change, it can alter how decisions are made. This might include changes to planning law or environmental assessment law. When changes like this happen, we will need to take them into account. To make this possible...



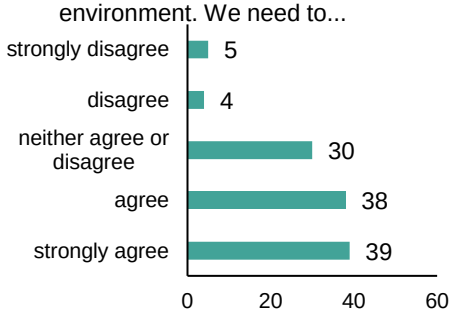
Roles and responsibilities: Taking care of the historic environment is a shared responsibility. Sometimes the interests of different groups and individuals overlap, and this can cause confusion and tension about roles and responsibilities. We need to make



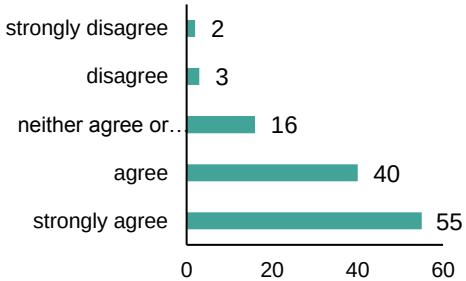
Skills and capacity: Good management relies on decision-makers having access to the right skills and expertise to make informed decisions. We need to make sure that there is time and support for decision-makers to do their jobs effectively.



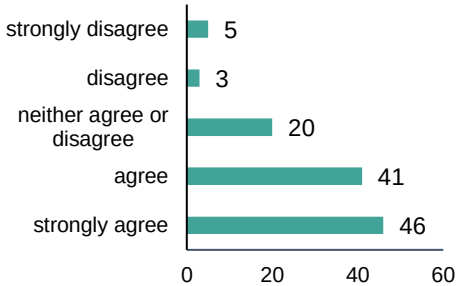
Societal change: Our population is ageing and shifting. It is better connected than ever before. Our communities are growing and our lifestyles are changing. All of these things should influence how we manage the historic environment. We need to...



Sustainable tourism: Tourism brings huge benefits to the wider economy and specifically provides financial resources for looking after many historic sites and buildings. High visitor numbers can also affect the sites themselves, and create challenges for.



A holistic approach to the environment: Today's rural and urban landscapes are the result of human interaction with the environment. A holistic approach recognises that every part of a landscape has...



As can be seen in these graphs, there was strong agreement for all of the statements with relatively few respondents disagreeing or strongly disagreeing.

3.1.1 Challenges and opportunities – general comments

Some respondents (55) made general comments about this section or identified additional challenges and opportunities, or variations on those provided, which they considered should be included. Examples include:

> "In general, we believe that this section on challenges and opportunities is good, and its stylistic evolution (retaining similar content from HESPS) is positive. However, we do not think that the excellent infographic sits clearly alongside the sections which follow it in the HEP. The relationship between 'challenges/opportunities', and the 'core principles and policies' is not clear. There is some repetition, a lack of clarity as to the purpose of each section, and very little read-across between the challenges and the principles/policies in some areas. This makes it hard to recognise the importance of these challenges and opportunities or how the HEP suggests they should be addressed/capitalised upon." (Organisation, public body or charity)

> "It's pretty comprehensive. I've highlighted things which I think need more emphasis. I suppose one area that is surprisingly peripheral is the health and well-being agenda. Another area is the relationship between the historic environment and creative industries." (Individual)

> "Overall, the challenges and opportunities appear to have lost their connection with the HE which in all cases should be the main consideration, the most important factor, and ultimately at the centre of the infographic." (Organisation, public body or charity)

> "Many gaps – the main one is actually understanding the wider HE – if this document is for the sector it needs to be recognised that the majority of sites are not buildings, not designated, managed by Local Authorities' through regulatory functions, not tourism sites and the assumption that the wider 'community' will/can be involved in decision making needs to be challenged as this is largely not the case." (Local Authority)

> "Distinct from recognising that 'intangible heritage' has a place at the Historic Environment table, what's missing is the challenge and opportunities in relation to 'Assessing cultural significance' itself." (Individual)

> "The framework (regulation, taxation, incentivisation) for private owners, particularly to encourage repair and maintenance actions, rather than responding to failures. The ambition to mainstream historic environment values in decision-making, rather than adapt to these after the event. This is in line with the European Union's environmental principle of integration." (Organisation, public body or charity)

> "The above titles are quite expansive and could cover a range of issues but the two main issues that are not named specifically that are worth mentioning are buildings at risk and heritage lead regeneration. Greater level of guidance research on how to address these issues would be most welcome. They would both likely fall under placemaking but are worthy on note". (Local Authority)

> "Education should have its own heading. Due to the online universe visitation of a historic building or site reflects a decision to expend time and money to visit it. By those acts the visitor has demonstrated a desire to learn more." (Individual)

> "If one takes the statistics that 70 of the world's energy goes in construction and maintenance of buildings and that some 65-75 % of our buildings stock which will exist in 2050 is already in existence. Thus the future historic environment stock is growing rapidly. How do we deal with

that as a society? It cannot be about simply preservation and museum facilities it has to be usable. The alternative is financially unsustainable and unjustifiable in tomorrow's world." (Private business, such as architect or developer)

"Agree with what is included. However, wouldn't be inclined to give the same importance to all of these – economics (which would include tourism) and land management are likely to be bigger issues for the historic environment compared to others on the list." (Not disclosed)

"No Gaps as such but there appears to be a lot of overlap and having 14 different factors seems very heavy." (Individual)

"The whole document does not mention Local Authorities and the infographic does not mention research." (Individual)

"Overall they are really inclusive and cover a wide range of aspects of our society and environment." (Not disclosed)

3.1.2 Challenges and opportunities – specific comments

Some respondents took the opportunity to provide further comments in relation to specific challenges and opportunities and their descriptions. Examples include:

Climate Change: "While every responsible body should have cognizance of the impacts of climate change, those charged with safeguarding the historic environment should always prioritise the best outcome for historical assets before accommodating other priorities." (Organisation, public body or charity)

Climate change: "Historic buildings need to be able to adapt to cope with more intense rainfall and landscapes may need to be altered to reduce flooding in settlements. Coastal erosion is already resulting in loss of historic environment." (Local Authority)

Holistic approach to the environment: "Reference to townscapes – rather than urban landscapes. A holistic approach means taking into account ecological, scientific, socio-economic and a range of other factors. How would this be achieved? I think there is danger in using the term holistic approach – where does the evidence gathering stop? Whilst there is some interconnection between parts of a historic landscape and/or townscape similarly there are some that are not related. There is a necessity to identify the similarities and differences including recognising where past change can have affected significance."
(Private business, such as architect or developer)

Holistic approach to the environment: "Landscape and buildings and archaeology work together with our geology; townscape and conservation areas work together to preserve local identity; so yes, I totally agree." (Individual)

Community participation and empowerment: "This is a key advance in terms of policy. It's not just about needs and benefits. Understanding contemporary social and communal values is essential to understanding cultural significance and hence will lead to better decision-making. Social values are only part of the picture alongside other values (scientific, historic, aesthetic etc.), but they have been neglected and are consequently poorly understood. There is therefore much work to be done for the ambitions of HEP to be realised in this regard. Inclusive approaches to diverse forms of expertise are needed alongside the methods and working practices to engage them. Community participatory approaches will be important, including co-design and co-production." (Individual)

Community participation and empowerment: "We strongly support the principle of community participation and empowerment and understand the complex challenges that arise in attempting to encourage and mediate participation. Again, this challenge/opportunity is repetitive of the principles under 'working together' and it is unclear how the statement above articulates a 'challenge/opportunity' and not a policy. The relationship between principles and challenges needs to be clarified." (Organisation, public body or charity)

Diversity and equality: "Care needs to be taken to balance the undoubted Gaelic heritage with other areas, especially lowland Scotland, where there are different heritages." (Not disclosed)

Diversity and equality: "We need to be mindful that our society is constantly evolving and we have to respect that certain parts of the historic environment have different values today from those when they were created." (Local Authority)

Economic change: "We strongly agree with the first part of the statement above regarding a strong economy and the contribution that the HE can make to sustainable growth. However we do not agree that economic drivers should be the determining factor in decision making. It may be that this becomes part of a decision but this should not be the main driver. To a greater extent the 'systems' are already in place to deal with this e.g. planning system which regularly

deals with differing economic models for development also deals with the vast majority of HE management." (Local Authority)

Economic change: "We need to be able to encourage appropriate change, through careful understanding of when change is possible. The economy tends to operate in cycles of growth and recession and it is important that we do not lose or alter a significant asset for a very short term gain." (Local Authority)

Funding: "This is probably correct but I feel there could be a more creative approach to the problem, and also a recognition that it challenges some of the core conservation principles that still sit at the heart of HEP. Community conservation and stewardship will be important. Also participatory approaches to decision-making about how to distribute funding and what this will mean. It will be essential to place cultural significance at the heart of this, but also to consider the values attached to change. Areas that could be questioned / lack clarity: Income can be redistributed. Not sure what is meant by external funding." (Individual)

Funding: "In principle agree, but wording is confused and unclear. Not all aspects of the historic environment actually need to make money (e.g a listed building that is someone's home) so it seems wrong to set this as a key statement. Suggest rewording to improve the sentiment: "Funding for the historic environment is a challenge. We have to be able to prioritise and think creatively about approaches to funding. It also implies that money is an acceptable deciding factor in the historic environment (e.g if not economically viable, it is acceptable for a historic asset to be demolished/destroyed)." (Individual)

Intangible heritage: "We agree with the broad principle of recognition of intangible cultural heritage. However, it is not clear how this recognition relates to the principles and policies. It is not clear how this statement is a challenge and is distinct from the principles of action in the following section (where no comparable policy is included)."
(Organisation, public body or charity)

Intangible heritage: "In the current regulatory systems (principally spatial planning) we cannot deal with intangible heritage unless it directly relates to a specific site. However would agree with the sentiment of the statement overall." (Local Authority)

Creating and maintaining places: "Fully support the aspiration, but to make it happen in practice will require changes in others' policies to drive change."
(Organisation, public body or charity)

Creating and maintaining places: "Place-making is an increasingly useful way of thinking about heritage but does not feature highly in the current corporate plan document… We want to see cultural and natural heritage at the centre of social and economic regeneration, and opportunities presented by developments in digital technology and new models of business and enterprise being seized. Heritage shapes how people identify with the places they live, work and play in. Yet a role for heritage is frequently missing in conversations and plans for how places can develop into the future." (Organisation, public body or charity)

Regulatory change: "Being flexible and adaptive still needs firm and authoritative application of law. This has a subjective side on the part of planning officers (amongst others) and that is weakened if not supported by sound legislature and guidance on application." (Individual)

Regulatory change: "Agree. Examples include changes to Building Standards."
(Local Authority)

Roles and responsibilities: "This is a significant issue. We agree that taking care of the HE is a shared responsibility. There is currently a lack of clarity around a number of areas…"
(Organisation, public body or charity)

Roles and responsibilities: “As above, we agree with this statement and its inclusion. However, what the challenge is not clearly articulated. The statement could be improved by articulating that heritage managers have a role and responsibility to mediate between groups. We also consider this to be an example of where the intended broad applicability of the document is actually likely to undermine its usefulness as because it attempts to be relevant to everyone from HES staff to general public, there is no meaningful discussion of roles and responsibilities.” (Organisation, public body or charity)

Skills and capacity: “We strongly agree with this statement. Many Local Authorities require more resources to effectively and proactively manage the historic environment, including better access to tradespeople with traditional skills and materials. The sector would benefit from academic institutions ensuring that students, as well as having a good academic grounding also have a good understanding of practical heritage management.” (Local Authority)

Skills and capacity: “Facilitation, listening and consensus building skills are less recognised skills to the more traditional skills of 'historic environment decision makers' and these are essential in this era of community empowerment and stakeholder involvement.” (Organisation, public body or charity)

Societal change: “While I agree that it will be necessary to recognise future trends, it would be a mistake to respond only to those who choose to engage. To do so would overlook the more disadvantaged or poorly connected elements of the population, and these factors should help weight decision-making.” (Organisation, public body or charity)

Societal change: “Agree this is an issue but suggest removing the first two sentences as these are specific and not necessarily true – we may be better connected digitally but at a community level, social isolation is an issue.” (Organisation, public body or charity)

Sustainable tourism: “Whilst we agree that sustainable tourism brings significant benefits we disagree that the scale of benefits realised for the historic environment is as stated. Of the many hundreds of thousands of heritage sites recorded in Scotland, tourism may provide resources for looking after a small percentage of these, which are often the most iconic sites and buildings. The majority of assets, however, receive no money to aid their longer term preservation. We would, however, welcome opportunities to fund a wider range of heritage assets through sustainable tourism, for example through a fund to invest along the lines of the Scottish Government Tourism Infrastructure Fund…” (Local Authority)

Sustainable tourism: “Strategies to drive in-bound tourism and support Scotland’s reputation internationally have proven effective when they are inclusive. The Scottish Government’s themed years programme is used to shine a spotlight on some of Scotland’s greatest assets, icons and hidden gems through a wide ranging variety of new and existing activity to boost tourism in Scotland.” (Organisation, public body or charity)

3.2 Core principles and policies

The subsequent question in the consultation related to the draft core principles and policies. Respondents were asked to review the core principles that had been provided in relation to:

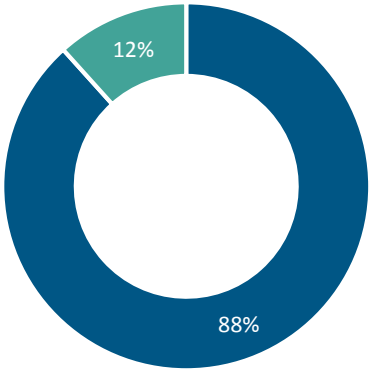
- Understanding and Recognition
- Managing Change
- Working Together

The majority of participants agreed or strongly agreed with the core principles for each of these. The following percentages is calculated based on the number who responded to that particular question/principle (approximately 190 for each).

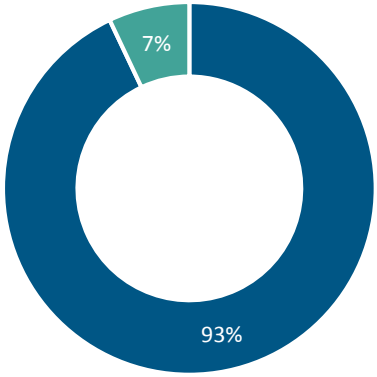
3.2.1 Understanding and recognition

Reponses to the question relating to the understanding and recognition principles indicated that for each over 80% agreed:

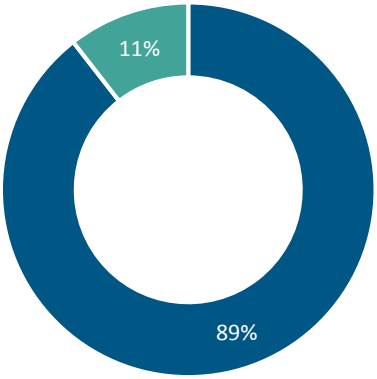
A wide range of values can contribute to cultural significance



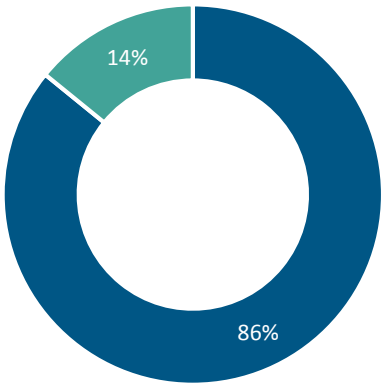
Knowledge and information about the historic environment is critical to the understanding of our past, present and future. A place must be understood for its significance to be identified



The historic environment evolves over time, and so does our understanding and appreciation of it

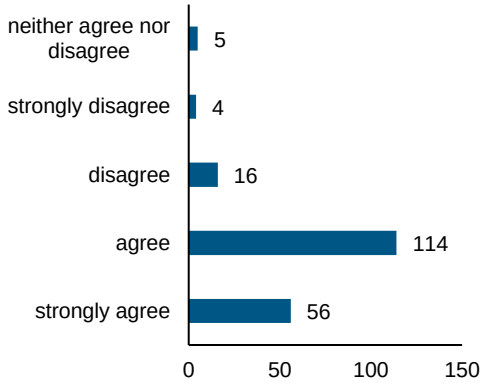


We are all responsible for enhancing our knowledge and making it widely accessible

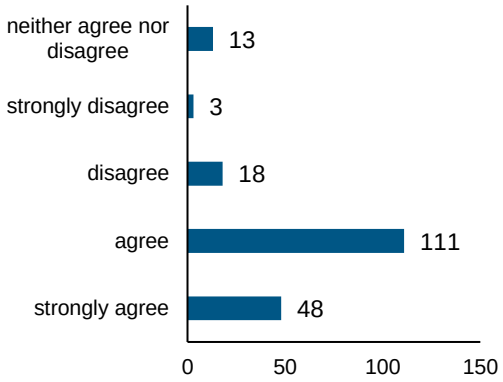


The following graphs provide a full breakdown of all responses to this question:

The historic environment evolves over time, and so does our understanding and appreciation of it



A wide range of values can contribute to cultural significance



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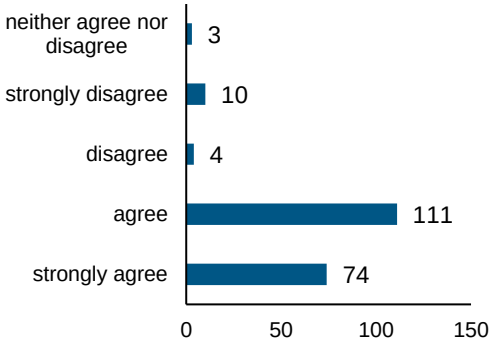

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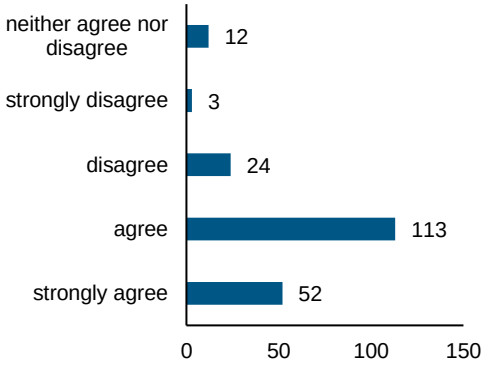


3.2.2 Summary of feedback on core principles for Understanding and Recognition

- There was broad agreement for these principles, although some commented that they lacked substantive meaning, are open to broad interpretation and that further clarity of definitions would be required (particularly for “cultural significance” and how it is measured).
- Some respondents highlighted concerns around who would be responsible for actions and decision-making on cultural significance and monitoring mitigation – including being unclear about the role of everyone vs. Historic Environment Scotland. For example, one respondent stressed the need for greater clarity around who is meant by “we” in the 4th core principle.
- Some respondents suggested the principles needed to have a stronger read-across between application and challenges.
- Other respondents suggested the core principles should be set out in order of priority.
- Finally, some respondents suggested there should be more prominence of HEP being a material consideration in the planning system, and greater clarity of who makes decisions on cultural significance.

Respondents were then invited to comment on the draft policy for Understanding and Recognition:

HEP1: Decision-makers should adopt a holistic approach to the historic environment, incorporating an inclusive understanding of its breadth and cultural significance.

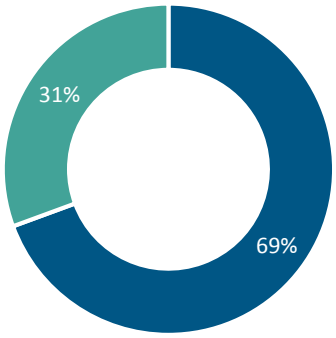
3.2.3 Summary of feedback on policy for Understanding and Recognition

- There was general support for this policy from the majority of respondents.
- Some respondents expressed concern that HEP will extend the scope of legal and policy restrictions on designated sites.
- Some respondents highlighted the need to take a proportionate approach to the application of these policies in relation to general cultural heritage vs. designated sites.
- Some respondents sought greater reference to intangible cultural assets.
- Various comments were made seeking a commitment within the policy to support skills and resourcing around decision-making, including better guidance for local authority planning committees.

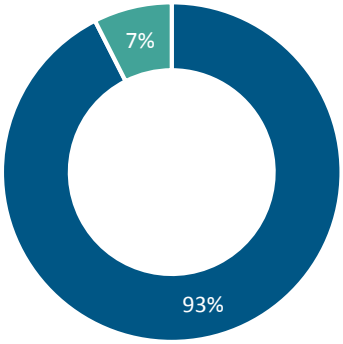
3.3 Managing Change

Reponses to the question relating to the managing change principles indicated that for each over 80% agreed, with the exception of the first principle which received support from fewer respondents (69%):

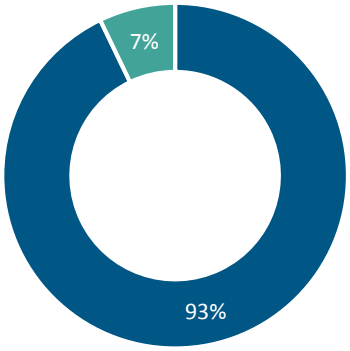
Change has to happen for places to thrive



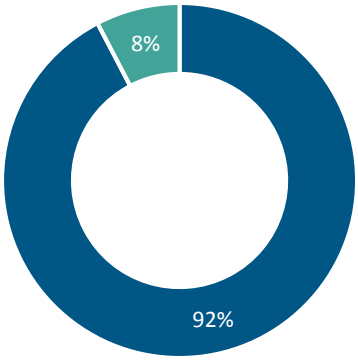
Good decisions take a long-term view



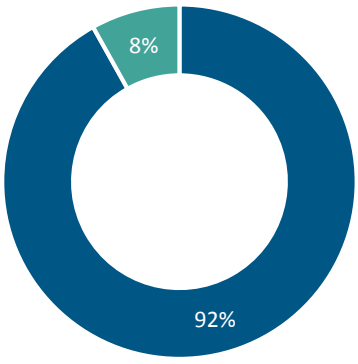
Good decisions are transparent, robust, consistent and proportionate



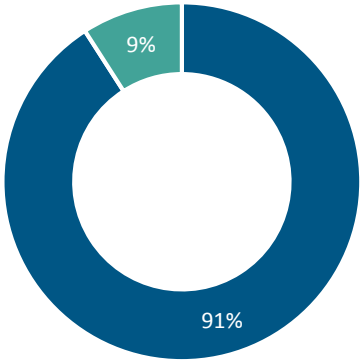
Caring for our historic environment benefits everyone, now and in the future

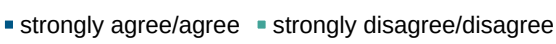


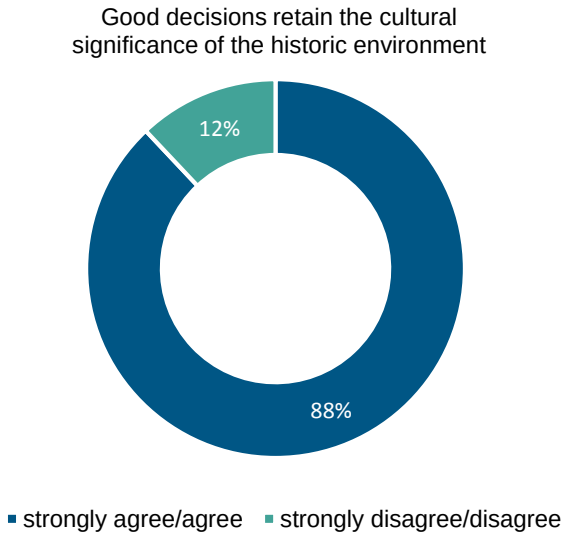
To manage the future of the historic environment in a sustainable way, its significance, and the significance of elements within it have to be understood



Good decisions make sure that nothing is lost without considering its value first and exploring options for avoiding its loss

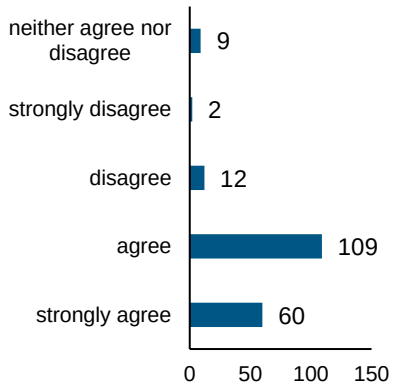




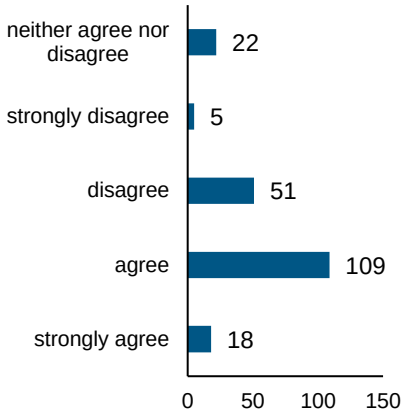

Good decisions retain the cultural significance of the historic environment
12%
88%
strongly agree/agree
strongly disagree/disagree

The following graphs provide a full breakdown of all responses to this question:

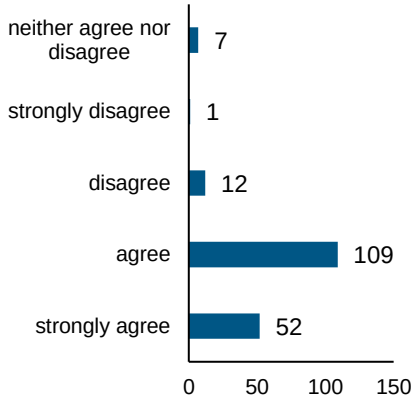
Caring for our historic environment benefits everyone, now and in the future



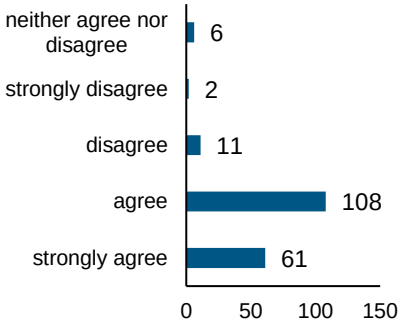
Change has to happen for places to thrive



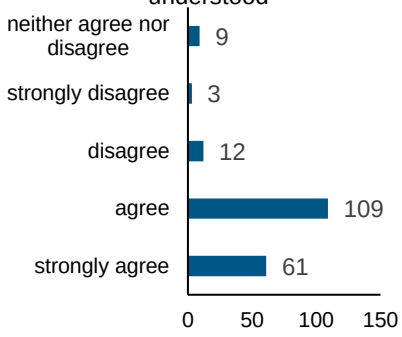
Good decisions take a long-term view



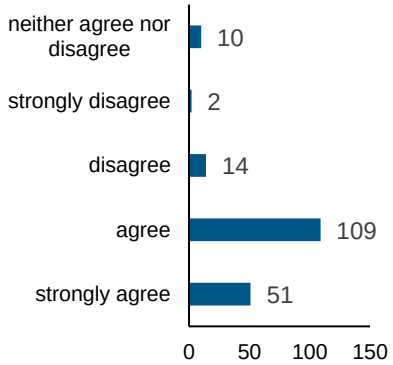
Good decisions are transparent, robust, consistent and proportionate



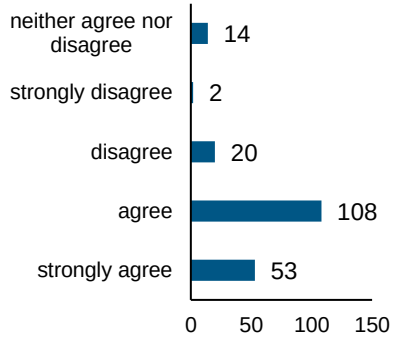
To manage the future of the historic environment in a sustainable way, its significance, and the significance of elements within it have to be understood



Good decisions make sure that nothing is lost without considering its value first and exploring options for avoiding its loss



Good decisions retain the cultural significance of the historic environment



3.3.1 Summary of feedback on core principles for Managing Change

- In contrast to others in this section, more respondents disagreed with the core principle ‘change has to happen to allow places to thrive’ than those which followed. Comments around this highlighted that places can and do thrive without change, with others recognising the underlying point and suggesting alternatives including “where change is proposed, it must be informed, avoid harm and enable a place to thrive”.
- Some respondents said that further clarification is needed on concept of ‘sustainable’.
- Some respondents sought clarification on the second principle – including what is meant here by ‘good decisions’? – recognising that subjective nature of this question and whether there should be a connection here with the retention of cultural significance.
- Some respondents said that the policy would benefit from a section detailing the steps towards good decision making.
- Several respondents also highlighted that good decisions can involve the loss of cultural significance for economic or other environmental reasons.
- Some respondents also requested further guidance to support the interpretation of the principles and how they should be applied.

Respondents were then invited to comment on the draft policies for managing change:

HEP2: Decision-makers should ensure that the benefits, understanding and enjoyment of the historic environment are secured for the long term.

HEP3: Strategic plans and policies and the allocation of resources should protect and promote the historic environment. Where detrimental impacts on the historic environment arising from plans and programmes are identified and unavoidable, steps should be taken to demonstrate that other options have been explored and mitigation measures put in place.

HEP4: When considering changes to specific assets and their context, significant harm should be avoided. Opportunities for enhancement should be sought where appropriate. Where detrimental impacts on the historic environment are unavoidable, these should be minimised and mitigation measures put in place.

3.3.2 Summary of feedback on policies for Managing Change

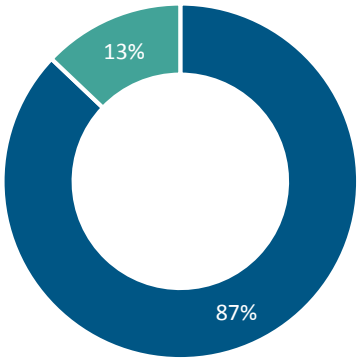
- There was general support for these policies and their underlying intention, although various alternate suggestions were made to the precise wording and how they could be grouped.
- Some respondents said that the policies should align with commitments/terminology in Scottish Planning Policy, including ‘protect and enhance’, and Historic England ‘appropriate routine management and maintenance’, without reference to excavation/restoration.
- Some respondents advised that HEP2 could be misinterpreted as absolute and does not clearly balance the retention of cultural significance with available funding and wider potential benefits. Others suggested the removal of the term ‘ensure’ as this may be open to legal challenge. Re-wording recommended for clarity.

- A few respondents suggested that HEP 3 could be split – with the first part to emphasise strategic policy link and securing sufficient resource and the second part to ensure options should be demonstrated where detrimental impacts on the historic environment are identified.
- Some respondents commented on the phrase ‘strategic plans and policies’ and requested clarification on what this is referring to in the context of HEP3.
- Several respondents were in disagreement over HEP4 – with some respondents saying it needs to be clear that developments or other proposals can be rejected on the basis of detrimental effects on the historic environment and opportunities for enhancement sought.
- Some respondents felt that ‘significance’ is too subjective a term in this context (HEP4) and further clarification is also needed for what constitutes ‘significant harm’.
- Some respondents also suggested that worked examples of mitigation could improve clarity of what these policies mean.

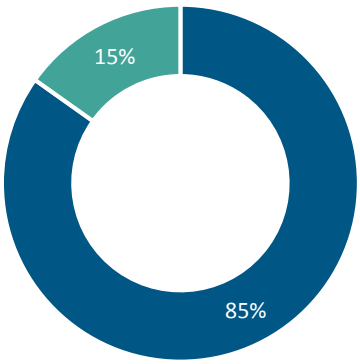
3.4.1 Working Together

Reponses to the question relating to the understanding and recognition principles indicated that for each over 80% agreed:

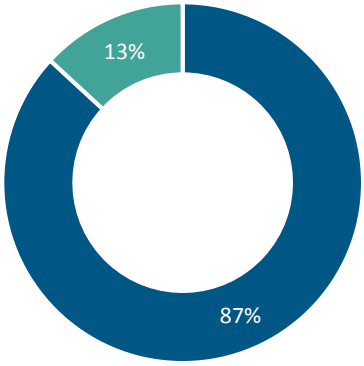
Everyone has a stake in the historic environment and how it is looked after



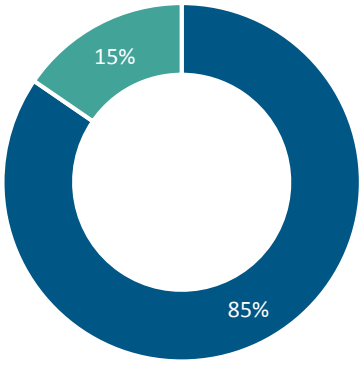
Effective management is a collective effort



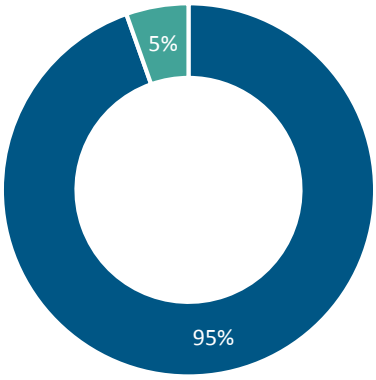
Effective management should be undertaken in balance with the surrounding environment



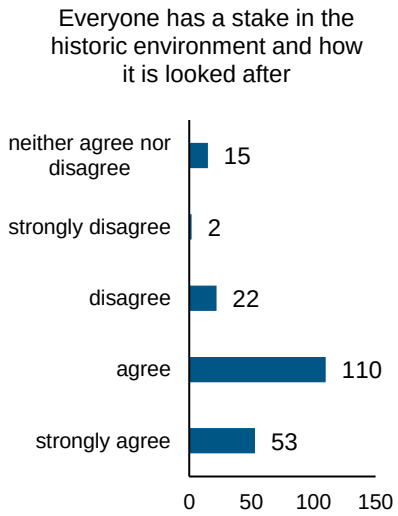
The best management involves empowering and involving communities

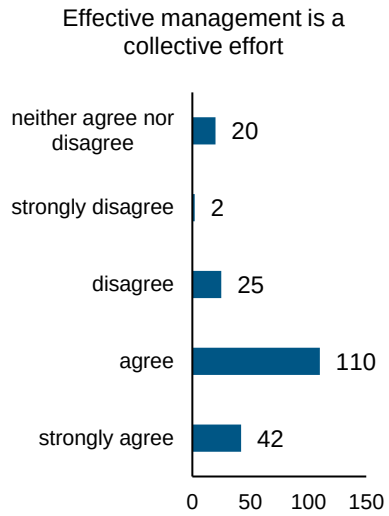


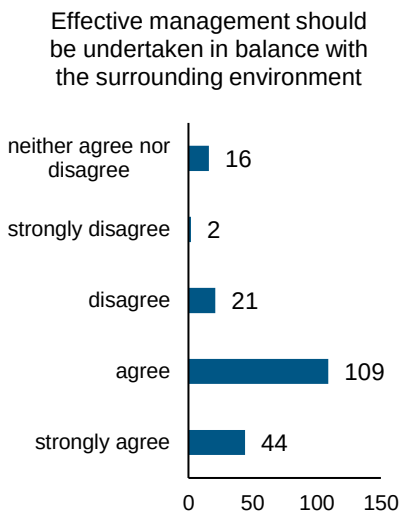
Early dialogue and close collaboration lead to better outcomes

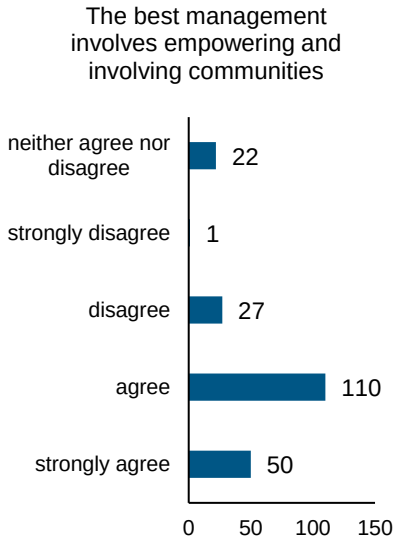


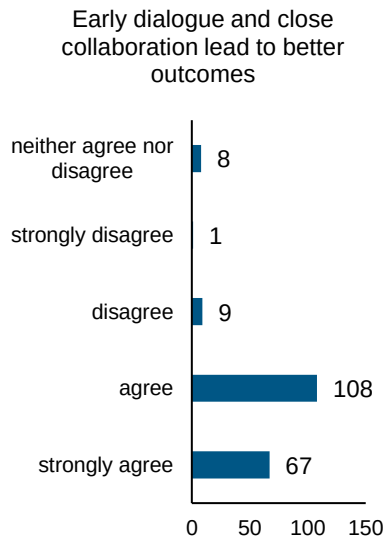
The following graphs provide a full breakdown of all responses to this question:











3.4.2 Summary of feedback on core principles for Working Together

- Some respondents suggested that these principles should be woven throughout the document, rather than added at the end.
- Some respondents questioned whether everyone should have a say in how historic environment is looked after, including:
  - The difficulty managing engagement and having sufficient resources in place to do it.
  - The importance of professionals in the decision making process
  - The need to protect historic environment in areas where the local community do not recognise its value or where its value is disputed.
  - Whether wider engagement can act as a barrier and in some cases make the management of sites more complex.
  - Differing views around who has a stake in the historic environment – decisions affect groups in different ways, so views should be captured proportionately.
- Some respondents sought clarification on what 'empowering communities' actually means when they can already input to the planning system. Comments related to these points indicated that the level of engagement needs to be proportionate to changes proposed.
- The importance of involving the Gaelic community in policy development was highlighted.
- Some respondents commented that the heritage sector needs to share work more effectively to reach a wider audience.
- Some respondents felt that this section needs more explicit links with the Scottish planning system.
- Finally, some respondents felt that there needs to be more emphasis on the responsibilities of landowners and public bodies to manage & protect sites in their ownership or care.

Respondents were then invited to comment on the draft policies for working together:

HEP 5: Everyone should have the opportunity to enjoy our historic environment, to contribute to our shared knowledge and to participate in decision-making.

HEP 6: People should be empowered to benefit from the historic environment for the purpose of the sustainable development of their communities and places.

3.4.3 Summary of feedback on policies for Working Together

- There was general support for these policies from the majority of respondents.
- A few respondents disagreed on HEP 6, and while of the view it was well intentioned, was too broad to be useful.
- Some respondents (6 organisations) suggested the removal of reference to 'sustainable development', but others welcomed its inclusion.
  Other respondents said that a definition of 'sustainable development' in relation to HEP 6 would be helpful.
- Some respondents said that examples on how community engagement is being approached would be helpful.

- Various respondents highlighted that delivery of these polices is likely to require additional allocation of public resources.
- Some respondents said that it is not always practical to have assets in independent or private ownership available to the public.
- Finally, some respondents sought clarification on what is meant by ‘empowered to benefit’.

PART B – CONSULTATION REPORT AND SEA STATEMENT

4. APPROACH TO FINALISING THE POLICY

This section describes how we have taken the views expressed during consultation into account in finalising the policy.

4.1 How have views and information been taken into account?

Each consultation comment was reviewed by the HEPS policy drafting team to consider how it might influence changes to the draft policy. Changes were then made to address relevant consultation comments, and the subsequent recommendations made by a wider peer review group within HES. A final draft of the policy was agreed by the HES Board and the Director of Heritage in preparation for copy editing and publication.

4.2. Editing and drafting changes to HEP – post consultation

The following are changes to the draft historic environment policy document, informed by responses to the formal public consultation held in December 2018.

4.2.1 The title of the document

The name of the policy has been changed from Historic Environment Policy (HEP) to Historic Environment Policy for Scotland (HEPS). This addresses a requirement identified in feedback from the consultation that the policy should be 'for Scotland' and that its status needs to be clearer.

4.2.2 Status of document

Status of the document is explained more clearly in the introduction, and a flow chart/diagram of where the new policy sits within the wider policy landscape has been included in the final document.

Roles and responsibilities within the wider management of the historic environment have been broadly addressed in the introduction section, with more detail sitting in the policy guidance.

4.2.3 Structure of the document

In light of feedback, various changes have been made to the structure of the document. This includes:

- Moving all policies to the beginning of the document
- All three policy sections – Understanding and Recognition, Managing Change and Working Together – have been restructured to start with the relevant policy, followed by Core Principles and guidance on their application
- Specific mention of *What's Your Heritage?* removed from the background section
- Glossary terms integrated throughout the document

4.2.4 Challenges and Opportunities

While there was strong support for the challenges and opportunities, various edits have been made to these so that they are more clearly aligned and integrated with the core principles and policies. These have also been amended to remove any statement that could be interpreted as policy instructions because this is covered elsewhere in the document.

4.2.5 Principles and policies for Understanding and Recognition

Policy HEP1 was refined to place the emphasis on decisions, rather than decision makers. The principles were reordered to improve flow and coherence, and were subject to a series of small amendments to the wording, to take account of a number of consultation responses and to improve clarity of intent.

4.2.6 Principles and policies for Managing Change

Policies HEP2, HEP3 and HEP4 were all subject to minor wording changes to improve clarity. A significant number of consultees disagreed with the core principle ‘change has to happen for places to thrive’. In response to this the relevant principle was amended, and supplemented by an additional principle. The principles were reordered to improve flow and coherence, and were subject to a series of small amendments to the wording, to take account of a number of consultation responses and to improve clarity of intent.

4.2.7 Principles and policies for Working Together

Policies HEP5 and HEP6 were rewritten to provide a focus on decision making, to improve clarity, and to be more useable and proportionate. The principles were subject to a very small number of amendments to the wording, to improve clarity.

4.2.8 Language and key terms

Some definitions have been revisited in the policy to ensure clarity and consistency throughout the text. The glossary has been updated and integrated into the body of text. Key definitions/terms that have been addressed as highlighted by consultation feedback include:

- decision makers/use of ‘we’ (removal of ‘we’ and a clearer and explicit explanation in introduction who the document is for in the introduction)
- cultural significance/significance
- planning system

4.3 What we can’t respond to

We received a number of responses with a campaigning focus, that do not respond to the consultation questions, triggered by events at Culloden Battlefield and Holyrood Park. The responses that have been clearly identified as campaign responses have been extracted and analysed separately.

We also received a number of responses relating to the status of the document and we have sought to address this by amending the relevant section of the text and the inclusion of a diagram. However, underlying concerns about the relevant weight that decision makers attach to this or any other policy is not within our control. It is for decision makers to ensure that they meet legislative requirements and take into account non-statutory polices where relevant, including HEP, alongside all other considerations which influence any decision making process.

4.4 Other views on the historic environment policy

Individuals attending consultation events and other engagements throughout the consultation period were invited to provide their views on the draft policy. Many of these echoed points made by those who responded to this consultation. These included requests for;

- the detail from HESPS that is not in HEPS, to be contained in guidance and available to be read alongside HEPS. This has been addressed by the publication of new Managing Change Guidance Notes on Demolition and the Use and Adaptation of Listed Buildings. The Historic Environment Circular which outlines HES' procedures has also been updated.
- the need for language used in the policy to be clear and consistent
- the status of HEPS to be clear.

5. STRATEGIC ENVIRONMENTAL ASSESSMENT STATEMENT

5.1 Introduction

The Environmental Assessment (Scotland) 2005 Act (hereafter referred to as the 2005 Act) requires public bodies in Scotland to carry out a Strategic Environmental Assessment (SEA) on certain plans, programmes and strategies. SEA is a way of examining plans as they develop and to identify any significant effects they may have on the environment. It ensures that environmental considerations are taken into account and, where required, proposes mitigation measures to avoid or minimise any potentially significant adverse effects on the environment. In doing so, SEA aims to:

- integrate environmental factors into plan preparation and decision-making;
- improve plans and enhance environmental protection;
- increase public participation in decision making; and
- facilitate openness and transparency.

The Environmental Report which documented the potential significant effects of the draft HEPS was made available for consultation alongside the draft HEPS itself. The SEA was taken forward by the team within HES which was responsible for preparing and consulting upon the HEP, as well as other associated impact assessments (e.g. Equality Impact Assessment).

This post adoption statement forms the final output from the SEA process and is required under the 2005 Act. It will outline how the findings of the SEA and the views of consultees have been taken into account in the development of the drafting of the final HEPS.

5.2 Structure of this Post Adoption Statement

Section 18(3) of the 2005 Act sets out the information that should be included in this SEA Statement. In summary, it should include:

- how the environmental considerations have been integrated into the plan, policy, programme or strategy;
- how the Environmental Report has been taken into account;
- how the opinions expressed by consultees have been taken into account;
- the reasons for choosing the plan, policy, programme or strategy as adopted, in light of the other reasonable alternatives considered; and
- measures to be taken to monitor the significant environmental effects of the implementation of the plan, policy, programme or strategy.

5.3 How have environmental considerations been integrated into HEPS, and what are the reasons for choosing the HEPS as adopted, in light of the other reasonable alternatives considered?

Alternatives were identified throughout the development of the policy, as a result of consultation with internal and external stakeholder, and through the environmental assessment itself. They included alternatives to the outcome of the policy review which led to HEP, alternative approaches to the framework for the new policy, and alternative content and wording within the new policy. The iterative development of the policy and its environmental assessment follows four stages and is summarised below.

- **Stage 1 – Consideration of options for outcome of the policy review**
- **Stage 2 – Options for framework of new policy**
- **Stage 3 – Content of the draft HEPS**
- **Stage 4 – Content of the finalised HEPS**

Stage 1 – Consideration of options for outcome of the policy review

At an early stage in the review, three options for the outcome of the review were identified. We did not consider that the first, revocation of the existing policy with no replacement, was a reasonable alternative. The reasonable options were:

> Option 1: do nothing / minor amendments – continue with existing policy framework, content and focus.

This option reflects the current situation, and we have therefore considered this to represent the baseline against which the other alternatives are assessed.

> Option 2: revoke existing policy; replacement policy to have holistic approach encompassing whole of historic environment, rather than focusing on designated heritage assets.

This option has **significant positive** effects for **cultural heritage**, particularly undesignated, unknown and intangible historic environment. It is also **positive** for **population** and **landscape** objectives, as it supports an inclusive approach which can

apply to all communities, and has scope to encompass the historic nature of landscapes. There is also the scope for additional environmental benefits by bring forward a new policy which can be informed by changes in environmental baseline and objectives.

> Option 3: revoke existing policy; replacement policy to be equally relevant to all decision making for the historic environment, rather than focusing on limited aspects of HES decision making

This option has **significant positive** effects for **cultural heritage**, as it will place a new emphasis on good decision making in *all* types of decision which affect the historic environment. It is also **positive** for **population** by supporting community involvement in decisions about the historic environment. There is also the scope for additional environmental benefits by bring forward a new policy which can be informed by changes in environmental baseline and objectives.

We decided to take forward an approach which combined options 2 and 3.

Stage 2 – Options for framework of new policy

Following the decision to bring forward new policy to replace HESPS, we then considered the form that the new policy might take. Two options were identified:

> Option 1: retain current framework, with operational policy and detailed guidance included in one document.

This option reflects the current situation, and we have therefore considered this to represent the baseline against which the other alternatives are assessed.

> Option 2: replace with new framework, headed by high level policy document with suite of operational policy and guidance documents sitting underneath.

This could potentially lead to a loss of policy and guidance content which would have a **significant negative** effect on some objectives for **cultural heritage**, particularly relating to the safeguarding of designated tangible features of the historic environment.

Mitigation: ensure that all policy and guidance content which is not carried into the new high-level policy is reviewed and where appropriate retained elsewhere within the suite of policy and guidance documents. Ensure that all essential material is in place and issued in advance of, or alongside the adoption of HEP.

Option 2 offered benefits in terms of clarity, usability and flexibility of policy framework, and was therefore taken forward to drafting phase, with a commitment to implement the recommended mitigation.

Stage 3 – Content of the draft HEPS

This section sets out the assessment findings for the consultative draft of HEPS.

The principles and policies of the HEP are presented in three groups; *understanding and recognition*, *managing change*, and *working together*.

Understanding and recognition
This policy theme and group of principles is likely to have **positive** effects, some of which may be **significant**, for **population** (understanding the differing cultural values of the historic environment; inclusive approach), and **cultural heritage** (holistic approach)**.**

This section focuses specifically on the historic environment and cultural significance. There is an opportunity to also address the historic environment's role as an integral element of a broader understanding of environment. This would reflect the 'holistic approach to the environment' challenge, and could support the **landscape** objectives.

Enhancement: amend wording of ***Understanding and recognition*** *section* to introduce positive effects for **landscape**.

Managing change
This policy theme and group of principles is likely to have **positive** effects for **material assets** (through promoting sustainable decisions), and **climatic factors** (through promoting retention and reuse) and **significant positive** for **cultural heritage** (through providing a framework which can be applied holistically to change in the historic environment.)

Working together
This policy theme and group of principles is likely to have **positive** effects, some of which may be **significant**, for **population** (through promoting and inclusive, collaborative, community focused approach to accessing, understanding and managing change for the historic environment). This will have **positive** secondary effects for **cultural heritage**, through encouraging and empowering more communities to take a role in managing the historic environment.

Cumulative effects
We do not think that the cumulative application of the principles and policies will result in any additional significant effects.

Stage 4 – Content of the finalised HEPS

Section 4 of this report sets out how the views of consultees on the draft HEPS have been taken into account in finalising HEPS. Consultees offered a wide range of suggestions for change to the draft HEPS, some of which have led to a number of minor text, layout and structure amendments. We have considered whether these changes are likely to have significant environmental effects, and concluded that they will not cause HEPS to have any significant effects (including cumulative effects) additional to those identified in earlier stages of the assessment process, and will not alter the findings set out in the Environmental Report.

5.4 How has the Environmental Report been taken into account?

Our approach to the assessment and development of HEP has been iterative, and consequently the majority of mitigation and enhancement measures have been implemented as the policy has evolved. The Environmental Report tells the story of this iterative process. Following the consultation period, one recommended mitigation measure and one recommended enhancement measure remained outstanding:

Mitigation: ensure that all policy and guidance content which is not carried into the new high-level policy is reviewed and where appropriate retained elsewhere within the suite of policy and guidance documents. Ensure that all essential material is in place and issued in advance of, or alongside the adoption of HEP.

We have implemented this mitigation measure by ensuring that all essential supporting guidance continues to be available, or has been published in a revised form alongside the adopted HEPS. This includes *Principles and Practice for Designation*; *Scheduled Monument Policy and Procedures*; Managing Change Guidance Notes on *Demolition of Listed Buildings* and *The Use and Adaptation of Listed Buildings;* and *Circular 1*.

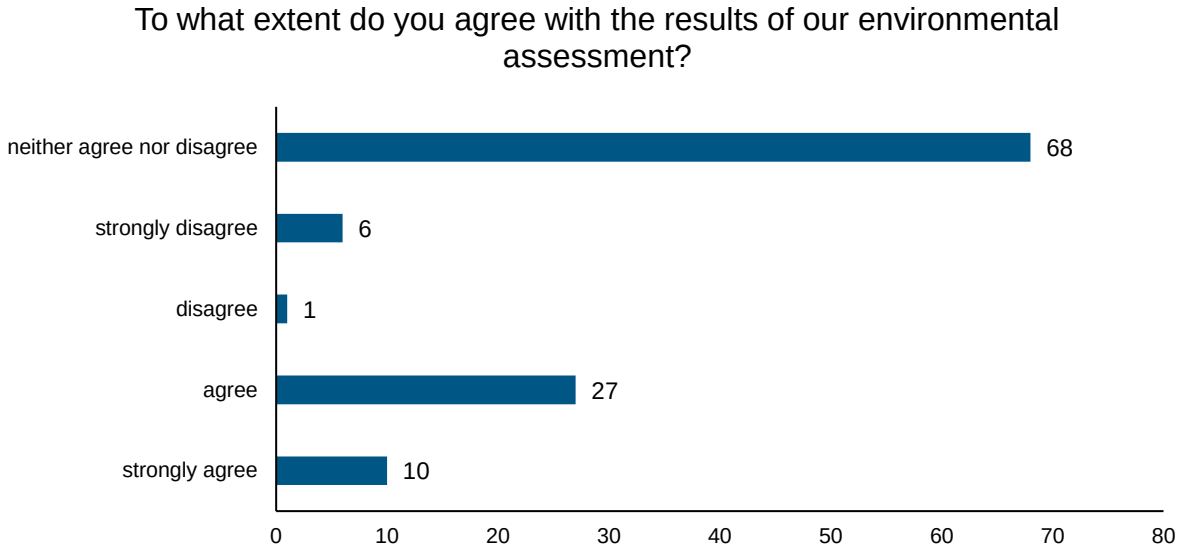
We also have a longer term rolling programme which will review, update and introduce additional guidance where required.

Enhancement: amend wording of ***Understanding and recognition*** *section* to introduce positive effects for **landscape**.

We considered this enhancement measure as part of the post-consultation review process. We concluded that the potential positive effects were more effectively delivered by including landscape within the glossary definitions of ‘asset’ and ‘place’, by including the term ‘landscape’ specifically within the ‘a holistic approach to the environment’ section of the Challenges and Opportunities.

5.5 How have the opinions expressed by consultees have been taken into account?

Section 4 of this report sets out how the views of consultees on the draft HEPS have been taken into account in finalising HEPS. We also invited views on the environmental assessment. When asked ‘do you agree with the findings of our environmental assessment?’ the majority of those who responded agreed, strongly agreed or neither agreed nor disagreed.



Some consultees provided comments on the environmental assessment:

Consultee comment	How has the comment been taken into account?
The SEA noes that the HEP should not be adopted until the associated guidance documents are available for use. The SEA also refers to a cross-cutting theme - assessing impact – which has been dropped in this draft. To be useful, the SEA should be updated to incorporate the changes made in the draft HEP. The SEA also calls for more specific reference to environmental drivers and issues, which we would endorse.	We have considered the post consultation changes that have been made in finalising HEP for potential significant environmental effects. The changes are focused on layout and minor wording alterations, and we do not consider that any additional significant environmental effects will result from the changes. In view of this, we do not intend to update the Environmental Report following consultation.
Needs as clear outline and summary.	The Non-Technical summary provides an overview of the environmental assessment of HEPS. No action taken.
Needs more development. Vague.	Noted. It is not clear whether this relates to the assessment process, the Environmental Report, or both. We feel that the environmental assessment and reporting is proportionate, and have not made any changes on the basis of this comment.
Mainstreaming the importance of the historic environment culturally and environmentally into wider legislation would be welcome.	Noted. It is beyond the scope of the environmental assessment of HEPS to deliver legislative change. No action taken.
Comprehensive in content.	Noted.
I don't 'strongly disagree', I disagree with certain aspects of scope. I strongly believe there are plenty of organisations and bodies looking out for population and health issues, without HES having to get deeply involved. Flora, fauna, biodiversity and the health of soil air and water on the other hand should be integral to change management policy. 'Landscape', kept as significant, is hardly important if we are happily looking at and admiring something when its surrounding soil, air and water are polluted.	We scoped flora, fauna, biodiversity, soil, air and water out of the assessment. This approach was taken in agreement with the Consultation Authorities. In view of this, we are content that the scope of the assessment was proportionate. No action taken.
Seems fine.	Noted.
Neither complex nor sophisticated enough to recognise a wider sustainable economic impact. Structured private sector involvement is essential.	The scope of SEA (set out in the Environmental Assessment (Scotland) Act 2005) does not include a requirement to assess economic impacts.
The role of the new policy in relation to the wider historic environment, designated and undesignated, is made clear in the SEA, but not in the document. For the document to have the desired effect as outlined in the SEA, it needs to be made more explicit	Noted. In finalising HEPS, we have made wording amendments to clarify the role of the policy.
Both the main report and non-technical summary are clearly set out and easy to follow.	Noted.

The Consultation Authorities also provided comments on the environmental assessment:

Consultation Authority	Comments on Environmental Report	How have we taken the comments into account?
Scottish Natural Heritage	The method followed in the Environmental Report is clear and well-presented. We note and appreciate the inclusion of the comments we suggested in our Scoping Consultation response. We also welcome the intention to amend the 'enhancement' wording for "Understanding and Recognition" to introduce effects for landscape. You have one main question with regards to the Environmental Report: "Do you agree with the results of our environmental assessment and have the key issues associated with the environmental implications of the draft policy been identified?" Yes, we agree with the results of your environmental assessment and consider the key environmental implications of the draft policy have been identified. We have no further comment to make on the Environmental Report.	Noted. Our revised approach to the enhancement measure relating to landscape is described above.
The Scottish Environment Protection Agency	We have used our scoping consultation response to consider the adequacy of the ER, and are pleased to note that the comments we submitted at the scoping stage have been addressed in the assessment. We confirm that we are content with the adequacy and accuracy of the assessment as set out in the ER and as such have no further comment to make on the ER. Please note, any comments we may have on the Statement itself will be provided separately.	Noted. No action required.

5.6 What measures will we take to monitor the significant environmental effects of HEPS?

We will monitor the environmental effects of HEPS as part of our overall monitoring of the policy. We will use the environmental objectives and issues identified in this assessment to help us do this. This will help to identify any effects arising which were not predicted through the assessment and allow appropriate mitigation to be sought.

We have also developed a framework which will allow us to monitor how effectively we are delivering the mitigation measures required in relation to policy and guidance content. This sets out in more detail where the mitigation is required, how it should be delivered and the required milestones for doing so. It provides a framework with which to monitor our delivery of the mitigation and we will review this regularly to monitor our progress. The framework is set out below:

Section of HESPS	Has this area of policy / guidance been carried through into HEPS?	Will the elements of policy / guidance not included in HEPS be retained elsewhere?	What form will it take?	Does it need to be in place when HEPS is adopted?	What is its current status?
Introduction	Yes				
Chapter 1: Scotland's historic environment	Yes				
Chapter 2: Designation	No	Yes	New Designations Policy	Yes	Currently under consultation. Scheduled for publication 5 April 2019.
			Historic Environment Circular 1	Yes	Updated version to be published 5 April 2019.
			Updated online designation process guidance	No	To be updated following adoption of HEPS.
Chapter 3: Consents and advice	Partly (high level policy and principles in HEPS)	Yes	New Scheduled Monument Consent Policy	Yes	Currently under consultation. Scheduled for publication 5 April 2019.
			Managing Change (MG) guidance notes	Yes	Replacement Managing Change Guidance on Demolition of Listed Buildings scheduled for publication 5

Section of HESPS	Has this area of policy / guidance been carried through into HEPS?	Will the elements of policy / guidance not included in HEPS be retained elsewhere?	What form will it take?	Does it need to be in place when HEPS is adopted?	What is its current status?
					April 2019. Other Managing Change Guidance published but under ongoing review and will be refreshed as appropriate.
			Historic Environment Circular 1	Yes	Updated version to be published 5 April 2019.
			Updated online SMC process guidance	No	To be updated following adoption of HEP.
			Conservation Area Consent advice (policy element)	Yes	Policy content from HESPS to be taken and published online. To be reviewed and updated as necessary following adoption of HEP.
Annex 1: criteria for and guidance on the determination of 'national importance' for scheduling	No	Yes	New Designations Policy	Yes	Currently under consultation. Scheduled for publication 5 April 2019.
Annex 2: criteria for determining whether a building is of 'special architectural or historic interest' for listing	No	Yes	New Designations Policy	Yes	Currently under consultation. Scheduled for publication 5 April 2019.
Annex 3: criteria for the designation of	No	Yes	Updated online guidance	Yes	Policy content from HESPS to be taken and published online. To be reviewed and updated

Section of HESPS	Has this area of policy / guidance been carried through into HEPS?	Will the elements of policy / guidance not included in HEPS be retained elsewhere?	What form will it take?	Does it need to be in place when HEPS is adopted?	What is its current status?
a conservation area					as necessary following adoption of HEPS.
Annex 4: criteria for and guidance on the determination of 'national importance' for the designation of historic marine protected areas	No	Yes	New Designations Policy	Yes	Currently under consultation. Scheduled for publication 5 April 2019.
Annex 5: criteria for determining whether a garden or designed landscape is of 'national importance' for inclusion in the inventory	No	Yes	New Designations Policy	Yes	Currently under consultation. Scheduled for publication 5 April 2019.
Annex 6: criteria for determining whether a battlefield is of 'national importance' for inclusion in the inventory	No	Yes	New Designations Policy	Yes	Currently under consultation. Scheduled for publication 5 April 2019.

Section of HESPS	Has this area of policy / guidance been carried through into HEPS?	Will the elements of policy / guidance not included in HEPS be retained elsewhere?	What form will it take?	Does it need to be in place when HEPS is adopted?	What is its current status?
Annex 7: relationship of scheduled monument consent to planning consent	No	Yes	Historic Environment Circular 1	Yes	Updated version to be published 5 April 2019.
			Updated online guidance	No	To be updated following adoption of HEPS.
Annex 8: listed building consent processes	No	Yes	Historic Environment Circular 1	Yes	Updated version to be published 5 April 2019
			Updated online guidance	No	To be updated following adoption of HEPS.
Annex 9: listed building consent and planning permission	No	Yes	Historic Environment Circular 1	Yes	Updated version to be published 5 April 2019.
			Updated online guidance	No	To be updated following adoption of HEPS.
Annex 10: meaning of 'monument' under the 1979 act	No	Yes	New Designations Policy	Yes	Currently under consultation. Scheduled for publication 5 April 2019.
Annex 11: the certificate of intention not to list process	No	Yes	Updated online guidance	Yes	Currently under development.

6. EQUALITIES STATEMENT

6.1 Introduction

Equalities Impact Assessment (EqIA) is a process to help consider how our activities, functions, services or processes may impact, either positively or negatively, on different sectors of the population in different ways.

6.2 How have equality issues been integrated into HEPS?

Using this method of assessment throughout the drafting of HEPS allowed us to consider how the policies and principles in HEPS can impact on different sectors of the population.

6.3. What did our equality impact assessment identify?

The first stage in our assessment involved identifying and 'screening' for equality issues. Our screening exercise considered the impact of the policy on people who share protected characteristics such as their age, disability, sex, gender identity, sexual orientation, race, religion or belief. These are the groups of people that are protected by law in the Equality Act 2010.

We identified that the policy had the potential to affect stakeholders, partners, members of the public and employees. In reviewing the main themes and projected outcomes of the policy we identified a number of areas where equality issues might be engaged – all positively. These were age, disability, sex, ethnicity, religion / belief / non-belief, sexual orientation, and transgender. We did not identify any impacts in relation to the policy upon pregnancy / maternity or marriage / civil partnership.

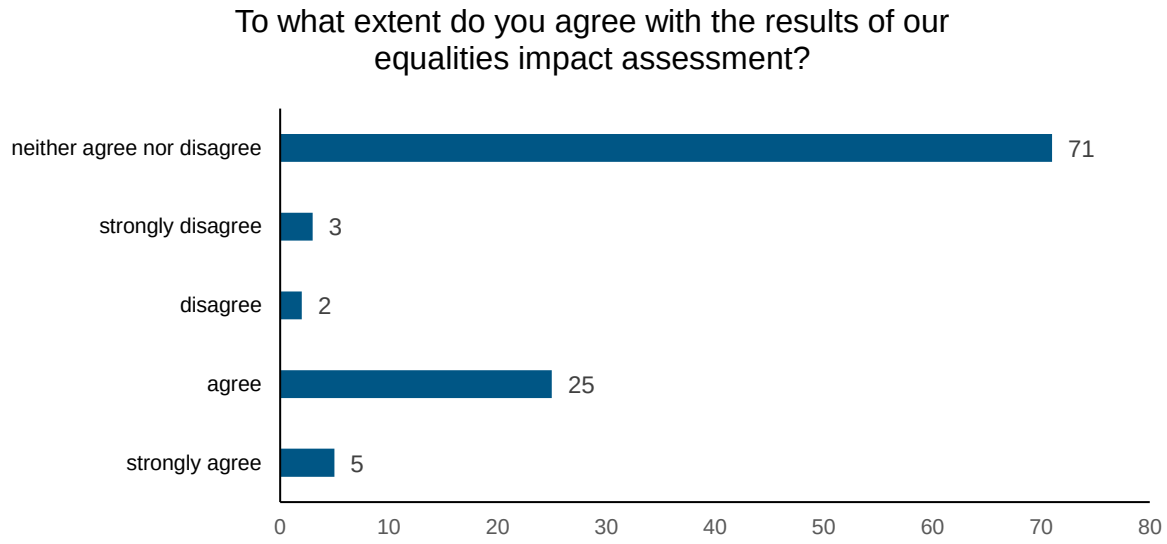
For example, during the development stage of the policy we identified that there are gaps in our engagement and reach with young people and the heritage that matters to them. The aim of the HEP will be to promote good decision-making and to ensure that public and community participation will enable learning from experience; understanding of place and its importance to wellbeing; alongside a decision-making process which is open and transparent. This was reflected in the policy, for example by highlighting that "everyone should have the opportunity to enjoy our historic environment, to contribute to our shared knowledge and to participate in decision-making''.

Similar findings were reached for the other characteristics that we identified as being positively engaged with the policy and its delivery. Overall, our screening assessment concluded that the policy is likely to have positive impact on these protected characteristics as the primary purpose is to provide guidance for anyone involved in decision-making and for people interested in the outcome of those decisions.

Promoting equality impact assessments, where relevant and proportionate, as a tool to help assess the impact of business decisions can only enhance community participation, expand the understanding of heritage beyond assets to include the more intangible stories and traditions and relationship to the Our Place in Time Strategy.

6.4. How have opinions expressed on our equality impact assessment been taken into account?

When asked ‘do you agree with the findings of our equality impact assessment?’ the majority of those who responded agreed, strongly agreed or neither agreed nor disagreed.



Few specific comments were made on the screening assessment beyond stating that they agreed with the findings, or felt they were not qualified to provide a view.

APPENDICES

Appendix 1: List of questions asked

To what extent do you agree or disagree with the following statements?

- The purpose of the Historic Environment Policy is clear
- The status of the Historic Environment Policy is clear
- I understand what the policy is trying to achieve

Which of the following functions do you think the draft Historic Environment Policy performs? Please select all that apply.

- Promotes an inclusive understanding of the values of the historic environment
- Promotes people's participation in decisions concerning the historic environment
- Encourages a consistent and integrated approach to decision making in support of positive outcomes for the people of Scotland
- Supports the vision and aims of Our Place in Time, Scotland's strategy for the historic environment
- Reflects principles set out by international charters and conventions on cultural heritage and landscapes
- Provides guidance for decision making affecting the historic environment

The proposed name for the policy is the Historic Environment Policy (HEP). To what extent do you feel this name is a suitable title, reflecting the policy's content and status?

Do you have any alternative suggestions for the title of the finalised policy?

We have identified 14 challenges and opportunities in recognising, caring for and managing the historic environment. To what extent do you agree or disagree with the inclusion of each of these challenges and their definitions?

- A holistic approach to the environment
- Climate change
- Community participation and empowerment
- Diversity and equality
- Economic change
- Funding
- Intangible heritage
- Land management
- Creating and maintaining places
- Regulatory change
- Roles and responsibilities
- Skills and capacity
- Societal change
- Sustainable tourism

Are there any gaps in the challenges and opportunities listed above?

To what extent do you agree or disagree with the following core principles for Understanding and Recognition?

Do you have any comments on the policy for Understanding and Recognition?

To what extent do you agree or disagree with the following core principles for Managing Change?

Do you have any comments on the policy for Managing Change?

To what extent do you agree or disagree with the following core principles for Working Together?

Do you have any comments on the policy for Working Together?

We have produced a series of guidance notes about making changes to the historic environment. Alongside publishing the new policy, we will review and refresh these guidance notes. Are there any missing or any unnecessary?

We have considered and identified the impact that the new draft policy may have on: the environment and equalities

To what extent do you agree with the results of our environmental assessment?

Do you have any comments on our environmental assessment?

To what extent do you agree with the results of our equalities impact assessment?

Do you have any comments on our equalities impact assessment?

Do you agree with our key terms and definitions?

Is the glossary of key terms and definitions useful?

Are there any terms missing from the glossary?

Do you have any further comments to add?

Appendix 2: Organisations who responded

Aberdeen City Council: Strategic Place Planning
Aberdeenshire Council
Archaeology Scotland
Association of Local Government Archaeological Officers: Scotland (ALGAO)
BEFS (Built Environment Forum Scotland)
Bòrd na Gàidhlig
Chartered Institute for Archaeologists
Dundee City Council
East Lothian Council Archaeology Service
Heritage Lottery Fund
Historic Houses
Homes for Scotland
The Institute of Historic Building Conservation: Scotland (IHBC)
Law Society of Scotland
Montague Evans
National Federation of Roofing Contractors: Scotland Industrial Heritage Consulting Ltd
Lichfields planning and development consultancy
Loch Lomond & The Trossachs National Park Authority
Scottish Borders Council
Scottish Stone Group
South Ayrshire Council
The Highland Council
The Institute for Heritage & Sustainable Human Development (INHERIT)
The National Trust for Scotland
The Scottish Civic Trust
The Royal Incorporation of Architects in Scotland
The West of Scotland Archaeology Service
Persimmon Homes
Rathmell Archaeology Limited
Royal Town Planning Institute Scotland (RTPI)
Ryder architecture
Turley
Wessex Archaeology
West Lothian Council
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