

Issue 13	The Historic Environment	
Development plan reference:	Policy 26: Scheduled Monuments and Non-Designated Archaeology, p.40 Policy 27: Listed Buildings, p.41 Policy 28: Conservation Areas, p.42 Policy 29: Gardens and Designed Landscapes, p.43 Policy 30: Protection, Promotion and Interpretation of Historic Battlefields, p.43	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Braes of Carse Conservation Group (0161) Perth & Kinross Heritage Trust (0272) Alistair Godfrey (0410) Perth Civic Trust (0444) Errol Community Council (0445) Scottish Government (0451)		Kinross-shire Civic Trust (0526) Councillor Mike Barnacle (0584) Ken Miles (0592) Scone Estate (0614) Euan Bremner (0616) Nick & Rosalind Grant (0629)
Provision of the development plan to which the issue relates:	Historic Environment policies p.40-43	
Planning authority's summary of the representation(s):		
<p><u>Policy 26: Scheduled Monuments and Non-Designated Archaeology</u></p> <p>Scottish Government (0451/01/009): Paragraph 3 should be removed from the policy: "There are a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, historical woodlands and routes which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and the Council will seek to protect and preserve significant resources as far as possible, in situ wherever feasible." This should be accompanying text elsewhere in the plan. The paragraph does not relate to Archaeology, so does not belong in a policy relating to archaeology. To leave it in makes the policy unclear and confusing.</p> <p>Nick & Rosalind Grant (0629/01/002): There are three Scheduled Monument sites at Old Lawers Village. Two are contiguous but the southern site is separated from the other two by a small "in-field" that has twice been subject to controversial applications for planning consent refusals in recent years. It is important that the site be seen as a whole and steps taken either to extend the SM site or to ensure wording of the appropriate policy to take away any future doubt.</p> <p><u>Policy 27: Listed Buildings</u></p> <p>Councillor Mike Barnacle (0584/01/018): A number of policies including building retention</p>		

allow for survey/reports to be commissioned by applicants, rather than chosen by PKC and the applicant billed. These are open to challenge because they are not independent.

Scottish Government (0451/01/010): Amend first sentence of the third paragraph of Policy 27A to state “Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long term future. Any development should be the minimum necessary to achieve these aims.” This is to ensure that full consideration is giving to all aspects of a proposed enabling development, as required by Scottish Planning Policy paragraph 142 (CD004).

Kinross-shire Civic Trust (0526/01/005): The Trust is very concerned that opportunities are being offered for Listed Buildings to be demolished. Listed Buildings are created for a definite purpose and an important part of the heritage. Far too many buildings are being allowed to deteriorate to the state that a developer can have a structural engineer declare them to be demolished and a new building recreated in its place. More protection must be put in place to protect these buildings and a robust policy established that the buildings are retained.

Scone Estate (0614/01/012): The Estate propose that the policy should make explicit reference that enabling development that is remote from a proposal for a listed building may be acceptable where it can be shown to be the only means of retaining a listed building. As a result the Estate would like reference included within the final policy which states that enabling development proposals either on and/or off-site will be considered where it can be shown that they are the only means of retaining a listed building. They consider their proposal is in line with national policy, Scottish Planning Policy at paragraph 137 states that the planning system should: "enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use" (CD004). In addition, Scone Estate objects to the policy 27B. The Estate believes that policy (d) should be re-worded to remove reference to the necessity that a site has been “marketed”. The consider that the wording of the policy should be changed so that owners can re-build properties that they own if they can prove that the repair of the building is not economically viable.

Policy 28: Conservation Areas

Braes of Carse Conservation Group (0161/01/007): Supportive of Policy 28 in relation to Conservation Areas. They consider other areas in the Braes of the Carse require Conservation status. More than a third of the dwellings within the village of Ballindean are B and C listed buildings, it features the historic Wester Ballindean orchard and is described in “The Illustrated Architectural Guide to Perth & Kinross” (a publication supported by PKC, PKHT and Perth Civic Trust and others) as “a picturesque estate hamlet”. Kinnaird has its category A listed castle along with other B and C listed buildings (RD001).

Perth Civic Trust (0444/01/005): Appraisals for Conservation Areas should be updated regularly. They believe that Conservation Areas are essential to the vitality of the City of Perth. There are two Conservation Areas in Perth - Perth Central and Perth Kinnoull. There are no Conservation Areas in the Perth Core Area Villages. Appraisals for Conservation Areas are listed as non-statutory guidance in LDP2. They suggest that the Council conducts an early review of the PKC Perth Central Conservation Area Appraisal (RD002) with particular focus on the section on opportunities for development and regeneration situated towards the end of the document. They believe there is an

opportunity to make Perth more attractive and welcoming by improving townscapes and views on the main routes into and across the City Centre. Paragraph 17.12 of the 2008 Conservation Area Appraisal identifies several major streets as priorities for potential townscape improvement, including High Street between Methven Street and Kinnoull Street, South Street, Canal Street and York Place/Caledonian Road. The paragraph goes on to say that urban design studies will be carried out to guide proposals and that consultation will then follow. We believe that such improvements are even more important now than they were in 2008.

Kinross-shire Civic Trust (0526/01/006); Ken Miles (0592/01/008): Concerned that opportunities are being offered to demolish buildings within Conservation Areas. They consider that it is not only Listed Buildings which are important to the character and nature of Conservation Areas and there are a number of situations and buildings within Kinross-shire where buildings are simply being allowed to decay. In recent years the Trust submitted a Report (Milnathort CA Final amended - Kinross-shire Civic Trust) proposing that a Conservation Area be created in Milnathort (RD003). The Trust is still of this opinion and it is part of Scottish Government current policy that local authorities have an obligation to regularly look at areas within its boundaries and consider whether specific sites are worthy of becoming Conservation Areas. Milnathort centre is a very historic part of the County and it is vital to its conservation that consideration to its being created a Conservation Area.

Councillor Mike Barnacle (0584/01/012): There is no mention of exploring new areas, contrary to national policy. Suggests the Council could support community let projects into feasibility of designations such as for Keltybridge and Maryburgh.

Euan Bremner (0616/01/004 & 005): Land within the Kinnoull Conservation Area is very similarly placed and of very high value. Population densities are far below the minimum figure in the indicative range for such a location under the existing LDP. Given the physical character, with many trees and walls most "infill" would scarcely be visible so that the overall appearance would change little. Improvements to infrastructure would be financed by developers and the authority would receive a far greater amount of local tax revenue and subventions for schools "affordable" housing etc. Most new structures would be flatted. These would offer opportunities for older people to "downsize" so freeing up larger homes for families. Under-occupation of such is a major issue not least within the "conservation area" itself. There is common idea that new development in "conservation areas" should mimic what is already there. ("pastiche") Many disagree. There would be opportunities in the "conservation area" for innovative design which met current criteria for energy and water use. The council should prepare a plan and guidelines for the area to be incorporated in the new LDP. As it would not conflict with the current one it could be adopted as "supplementary guidance" before the new plan is approved by the council. There must be far stronger relationship between planning and finance. The provision in the present plan that applications for "approval in principle" in "conservation areas" must be accompanied by detail site and building plans should not be repeated. It means that key provision of the LDP can be over-ridden by subjective ideas.

Errol Community Council (0445/01/002): Notes the recent extension to the primary school now results in the boundary of the Conservation Area cutting through the middle of the school building. They suggest that perhaps it would be logical to redraw the boundary to include the whole of the school building.

Policy 29: Gardens and Designed Landscapes

Alistair Godfrey (0410/01/008): This policy needs to conform to Scottish Planning Policy 2014, Policy 137. "The planning system should: promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning." Amendment sought to conform to SPP 2014 (CD004).

Perth & Kinross Heritage Trust (0272/01/001): Notes the Falls of Bruar and Blair Castle Garden and Designed Landscapes are obscured on Policy Map C by the Cairngorms National Park polygon. It is recommended that these Inventory sites are shown on top of the CNP polygon.

Policy 30: Protection, Promotion and Interpretation of Historic Battlefields

Perth & Kinross Heritage Trust (0272/01/001): Welcomes the strengthening of Policy 30 for Historic Battlefields. This is in line with Scottish Government Policy for the protection of the Historic Environment (paras 149 and 151). Note the extent of the Battle of Killiecrankie Battlefield is obscured on Policy Map C by the Cairngorms National Park polygon. It is recommended that these Inventory sites are shown on top of the CNP polygon.

Modifications sought by those submitting representations:

Policy 26: Scheduled Monuments and Non-Designated Archaeology

Scottish Government (0451/01/009): Paragraph 3 should be removed from the policy and included in accompanying text elsewhere in the plan: "There are a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, historical woodlands and routes which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and the Council will seek to protect and preserve significant resources as far as possible, in situ wherever feasible."

Nick & Rosalind Grant (0629/01/002): No specific modification proposed but suggests that the wording of policy takes away doubt regarding development opportunities.

Policy 27: Listed Buildings

Kinross-shire Civic Trust (0526/01/005): Policy 27B Demolition of Listed Buildings to be enhanced to protect listed buildings.

Scone Estate (0614/01/012): Policy should make explicit reference that enabling development that is remote from a proposal for a listed building may be acceptable where it can be shown to be the only means of retaining a listed building. In addition, Policy 27B (d) should be re-worded to remove reference to the necessity that a site has been "marketed".

Scottish Government (0451/01/010): Amend first sentence of the third paragraph of Policy 27A to state "Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long term future. Any development should be the minimum necessary to achieve these aims."

Policy 28: Conservation Areas

Braes of Carse Conservation Group (0161/01/007): Villages of Ballindean and Kinnaird are assessed for conservation areas.

Errol Community Council (0445/01/002): Redraw the conservation boundary to include the whole of the school building.

Policy 29: Gardens and Designed Landscapes

Alistair Godfrey (0410/01/008): Amendment sought to conform to SPP 2014.

Perth & Kinross Heritage Trust (0272/01/001): Falls of Bruar and Blair Castle Garden and Designed Landscapes to be shown on top of the Cairngorms National Park polygon.

Policy 30: Protection, Promotion and Interpretation of Historic Battlefields

Perth & Kinross Heritage Trust (0272/01/001): Extent of the Battle of Killiecrankie Battlefield on Policy Map C are shown on top of the Cairngorms National Park polygon.

Summary of responses (including reasons) by planning authority:

Policy 26: Scheduled Monuments and Non-Designated Archaeology

Scottish Government (0451/01/009): Paragraph 3 was written to acknowledge the importance of other features within a historic setting that provide evidence of potential archaeology or contextual landscape features that allow interpretation of the historic setting of an area. The intention of this additional text is to afford greater protection to these features that allow the historic landscape to be read and understood.

The Ancient Monuments and Archaeological Areas Act 1979 specifically states that it is “the law relating to ancient monuments; to make provision for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters”. Part II of the Act specifically discusses Archaeological Areas and allows for Local Authorities to identify areas of archaeological importance which may “merit treatment as such for the purposes of this Act” (Section 33(2)) (CD024). SPP 2014 reflects this view of archaeological areas and states under the section “Archaeology and Other Historic Environment Assets” in paragraph 151: “There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible” (CD004).

The additional statement in Policy 26 is therefore a mirror of SPP and the addition of this section aims to acknowledge that archaeological records are not stand alone evidence but part of a much wider context which requires to be read and that loss of other non-designated historic assets can significantly reduce the reading and understanding of local historic character.

No modification proposed to the Plan.

Nick & Rosalind Grant (0629/01/002): Scheduled Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 (CD024) and any proposal that might have a direct impact on a scheduled monument would require Scheduled Monument Consent from Historic Environment Scotland. Policy 26 further states that “there is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting unless there are exceptional circumstances”. Any planning application would be therefore assessed against this policy. Changes to the Scheduled Monument area are the responsibility of Historic Environment Scotland. These comments will be passed on to them for review.

No modification proposed to the Plan.

Policy 27: Listed Buildings

Councillor Mike Barnacle (0584/01/018): There is a general comment from Councillor Barnacle regarding the survey/reports to be commissioned by applicants. Proposals will be assessed with expert input from Conservation Officers working within the Development Management team against the policy provisions of the plan. They will assess proposals in terms of their impact on listed buildings to determine whether proposals are acceptable. There will be opportunity for public comments on these planning applications and these comments will be taken into account before determination.

No modification proposed to the Plan.

Policy 27A: Listed Buildings

Scone Estate (0614/01/012): The third sentence of Policy 27A is the same wording as in the Perth & Kinross Council Local Development Plan Adopted HE2: Listed Buildings (CD014). It is noted that the wording the Scottish Government proposes is reflective of the wording from Scottish Planning Policy 2014, paragraph 142: “Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset” (CD004). The Council considers that the current statement adequately reflects the sentiment without requiring the additional wording. In terms of Scone Estate’s suggestion to make more specific reference to remote enabling, this policy is concerned with the care and protection of Listed Buildings. Its main focus is to ensure that Listed Buildings are retained and maintained sympathetically. The policy wording does not preclude remote enabling – it allows for a range of possible options as long as the proposal is able to demonstrate that it is the “only means of retaining a listed building”. The emphasis of this policy is therefore on the key issue. The wording is deliberately left open to allow for a range of creative solutions rather than promoting one specific approach.

No modification proposed to the Plan. However, if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan. Amend first sentence of the third paragraph of Policy 27A to state “Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long term future. Any development should be the minimum necessary to achieve these

aims.”

Policy 27B Demolition of Listed Buildings

Kinross-shire Civic Trust (0526/01/005): This policy is reflective of Scottish Government planning policy. Scottish Planning Policy 2014 Listed Buildings (paragraph 141) states: “Listed buildings should be protected from demolition or other work that would adversely affect it or its setting” (CD004). Perth & Kinross Council Local Development Plan Adopted policy was reviewed following the revision of SPP in 2014. This addition to the Listed Buildings policy was deemed necessary to provide further protection to listed buildings by providing a criteria that must be met before demolition is considered. This policy is not meant to encourage listed buildings to be demolished but is emphasising a presumption against demolition in all but the most necessary of circumstances. It does, however, recognise that there instances where this action is the only possible route.

The point of the criteria is to prevent the demolition of listed buildings in all but the most extreme cases. Criteria (d) is specifically written to prevent a building being demolished simply because the owner cannot afford to repair it. It ensures that other parties have the opportunity to intercede and save the building. The aim is to ensure that significant efforts have been made to retain the building before allowing for it to be lost forever.

No modification proposed to the Plan.

Policy 28: Conservation Areas

Braes of Carse Conservation Group (0161/01/007); Perth Civic Trust (0444/01/006); Kinross-shire Civic Trust (0526/01/005); Councillor Mike Barnacle (0584/01/012); Euan Bremner (0616/01/006); Errol Community Council (0445/01/002): There are a number of areas that have been highlighted for potential conservation appraisals: Ballindean, Kinnaird, Kelttybridge, Maryburgh and Milnathort. Revisions to Cleish, Errol, Perth City and Perth Kinoull Conservation Areas have also been proposed. As set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the statutory definition of a conservation area is an area of “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance” (CD035). Whilst conservation areas are demonstrated within the plan, the assessment and revision of them is a separate process from the LDP. There is a current resource issue regarding the identification of new conservation areas and the revision of conservation areas within the Planning department. There are 35 existing conservation areas within the Perth & Kinross Council area and only two conservation officers to cover them. Their main priority is to operate the day-to-day management of these areas through planning applications and listed building consents. The capacity of these staff to undertake the revision of conservation areas as well as the identification of new areas is extremely limited. In order for this aspiration to be achieved, further resources will need to be identified to allow time for these tasks to be carried out.

In terms of identifying new conservation areas, Milnathort was recently appraised. This assessment did not consider Milnathort to meet the requirements. The PKC Milnathort CA Assessment Report states that although there is a high concentration of historic buildings in the settlement, there is no clear boundary for a conservation area. It also notes that modern development has intruded into the historic core and although the historic pattern of development has been largely retained, it is not significantly unique to warrant designation (CD064, pages 1-2).

The principles of selection for designation include:

- Areas of significant architectural or historic interest in terms of specific buildings and/ or scheduled monuments
- Areas of interest in terms of building groupings, which may or may not include listed buildings and/ or scheduled monuments, and open spaces they abut
- Features of interest e.g. street pattern, planned towns or villages and gardens/ designed landscapes
- The requirement to protect an area due to its uniqueness or value and distinct character should also be considered

The conservation areas are reviewed systematically. Development Management have a ranking system that orders the review according to community pressure, date of previous appraisal, synergy of funds/initiatives and development pressure (CD065,). Currently, Birnam is being reviewed as it scored the highest in the ranking system. Cleish, which was appraised in 1981, is identified further down the list but does not score as highly and has therefore not been considered as a top priority. The target set in 2012 for Cleish to be reviewed was 2017 but due to the ongoing resource issue identified above, this has not been met. Errol and Perth Central were reviewed in 2008 and Perth Kinoull was reviewed in 2010 and therefore none are considered to require a revision at this current time. Ballindean, Kinnaird, Keltybridge and Maryburgh are all small settlements that are unlikely to meet these criteria and have very limited development pressure focused on them. With the resource issue already highlighted, it is extremely unlikely that these would be considered a priority in terms of appraisal work carried out.

With regards to the suggestion of community led local designations, this is a discussion that is currently being undertaken with Historic Environment Scotland and other key stakeholders. These discussions are focused on whether local designations should be established to support local community aspirations and whether these local designations should be managed by Local Authorities or by the communities that identify them. The outcomes of these discussions are unlikely to be established before the end of this plan process, but could potentially influence the approach undertaken in the following plan. It is, however, noteworthy that community led local designations would have no statutory weight in the planning system.

Concerns have been raised about the demolition of buildings in conservation areas. The policy clearly states:

“In those exceptional circumstances where demolition is considered acceptable and is to be followed by the redevelopment of the site, the application for proposed demolition should be accompanied by a detailed application for the replacement development. This is to allow for their consideration in parallel, and to ensure that the replacement scheme will enhance or preserve the character of the area and avoid the formation of gap sites.”

There are mechanisms out with the control of planning that can now help communities to identify and restore buildings that they consider important to the urban character of a settlement whether it is in or out of a conservation area. The Community Empowerment (Scotland) Act 2015 “will help to empower community bodies through the ownership or control of land and buildings, and by strengthening their voices in decisions about public services” (CD063). Furthermore, this may also link in with the local designation discussion that is underway where communities could potentially identify buildings that they consider significant to their local area although it is not necessarily identified as important at the

national scale.

The design of new buildings or alterations within conservation areas is assessed on how it responds to its local context, whether it is an innovative new design or a more traditional approach. Most works to the outside of a building or structure in a conservation area will require planning permission. Small extensions, alterations to a roof, installation of a satellite dish, formation of a parking space and changes to the exterior of any building within a conservation area may all require planning permission. Proposals will be assessed with expert input from Conservation Officers working within the Development Management team against the policy provisions of the plan. They will assess proposals in terms of their impact on the conservation area to determine whether proposals are acceptable. There will be opportunity for public comments on these planning applications and these comments will be taken into account before determination.

No change proposed to the Plan.

Policy 29: Gardens and Designed Landscapes

Alistair Godfrey (0410/01/008): Scottish Planning Policy 2014 Gardens and Designed Landscapes section 148 states: "Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance" (CD004). The Council considers that the current policy wording is reflective of this approach:

"Gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. The Council will seek to manage change in order to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes. The Council may require the submission of a management plan with any application for development within areas included in the current Inventory. As resources permit, the Council will continue with the process of identification of non-Inventory sites in Perth and Kinross and the associated task of devising an approach to their future management".

No modification proposed to the Plan.

Perth & Kinross Heritage Trust (0272/01/001): The placing of the Cairngorms National Park polygon over the Designed Landscapes polygon is to demonstrate the area that Development Management for Perth & Kinross Council work within. Although Perth & Kinross Council administers the applications in this area, the Cairngorms National Park Planning Authority has overall responsibility for this area and has the right to call in any application decision.

No modification proposed to the Plan.

Policy 30: Protection, Promotion and Interpretation of Historic Battlefields

Perth & Kinross Heritage Trust (0272/01/001): The placing of the Cairngorms National Park polygon over the Historic Battlefields polygon is to demonstrate the area that Development Management work within. Although Perth & Kinross Council administers the applications in this area, the Cairngorms National Park Planning Authority has overall responsibility for this area and has the right to call in any application decision.

No modification proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations: