

# APPENDIX 10.1 CULTURAL HERITAGE POLICY

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## APPENDIX 10.1 CULTURAL HERITAGE POLICY

### 1.1.1. NATIONAL PLANNING POLICY

1. The primary planning policy and guidance at the national level comprises:
  - Historic Environment Policy for Scotland (HEPS) (2019);
  - National Planning Framework 4 (NPF4) (2023); and
  - Planning Advice Note 2/2011: Planning and Archaeology (PAN 2/2011).

#### Historic Environment Policy for Scotland (HEPS)

2. HEPS is a policy statement directing decision-making that affects the historic environment. It is non-statutory, which means that it is not required to be followed as a matter of law or statute, but it is relevant to a wide range of decision-making at national and local levels and is supported by detailed policy and guidance.
3. The policy statement complements and is to be read alongside the Scottish Planning Policy and other relevant documents, including 'Our Place in Time: The Historic Environment Strategy for Scotland' (2014) and 'Scotland's Archaeology Strategy' (2015).
4. HEPS contains six policies and core principles (HEP1 to HEP6) for managing the historic environment. These core principles are reflected in national and local policies.

#### National Planning Framework 4 (NPF4)

5. The purpose of NPF4 is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land for the period 2023-45. NPF4 promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.
6. In NPF4 (Part2, Section 7) the historic environment is recognised as a key cultural and economic asset and a source of inspiration that should be seen as integral to the regeneration of places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.
7. Key policy outcomes in respect of the historic environment set out in NPF4 (Policy 7) are:
  - The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
  - Redundant or neglected historic buildings are brought back into sustainable and productive uses.
  - Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.
8. NPF4 Policy 7, in subclauses a-o, contains details on how these principles are to be delivered through development management and planning.

#### Planning Advice Note 2/2011: Planning and Archaeology

9. Planning Advice Note 2/2011 (PAN 2) advises that, in determining planning applications, planning authorities should take into account the relative importance of archaeological sites (para 5). It also notes that in determining planning applications that may impact on archaeological features or their setting, planning authorities may on occasion have to balance the benefits of development against the importance of archaeological features (para 6). The desirability of preserving a monument (whether scheduled or not) is a material consideration and the objective should be to assure the protection and enhancement of monuments by preservation in situ, in an appropriate setting. When

preservation in situ is not possible, recording and/or excavation followed by analysis and publication of the results (para 14).

## 1.1.2. REGIONAL AND LOCAL PLANNING POLICY

### East Lothian Council Local Development (LDP)

10. East Lothian Council Local Development (LDP) was adopted in 2018 and is the current LDP for the county. The LDP contains the following policies relevant to the Proposed Development:

- Policy CH1: Listed buildings, of relevance to this assessment;

*“New development which harms the setting of a listed building will not be permitted”*

- Policy CH2: Conservation Areas, of relevance to this assessment;

*“All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area.”*

- Policy CH4 Scheduled Monuments and Archaeological Sites, in full;

*“Where a proposed development might affect any Scheduled Monument or archaeological site (of known or suspected archaeological interest), the developer must undertake and make available to the planning authority a professional archaeological assessment and, if necessary, a field evaluation.*

*Development that adversely impacts on a scheduled monument, or its setting, will not be permitted. Development that would harm a site of regional or local archaeological interest, or its setting, will only be permitted in exceptional circumstances, where the Council accepts that archaeological advice that the significance of the remains is not sufficient to justify their physical preservation in situ when weighed against other material considerations (including the benefits of the proposed development). In such situations, the developer must make proper provision for the excavation, recording and analysis of the archaeological remains in advance of the commencement of development, the results of which must be reported and any subsequent post-excavation work undertaken should also be reported and, if warranted, published. Appropriate conditions may be applied to any planning permission to achieve this.*

*Where it is feasible within a proposed development to accommodate, preserve or enhance a Scheduled Monument or archaeological remains, interpretation and integration of these features and where appropriate, public access, will be expected.”*

- Policy CH6: Gardens and Designed Landscapes

*“Development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records, will not be permitted.”*

### East Lothian Council Local Development Plan, Cultural Heritage and the Built Environment, Supplementary Planning Guidance 2018

11. The LDP Supplementary Guidance document largely provides guidance on development within the county's Conservation Areas and, of relevance to the Cultural Heritage assessment, character appraisals for the Conservation Areas.