

REGULATORY FRAMEWORK

STRATEGIC ENVIRONMENTAL ASSESSMENT
PRE-SCREENING REPORT

22 September 2022

To: sea.gateway@gov.scot

SEA Gateway
The Scottish Government
Area 2-H South
Victoria Quay
Edinburgh EH6 6QQ

A SEA Pre-Screening Report is attached for the plan, programme or strategy (PPS) entitled: HES Regulatory Framework

Environmental Assessment (Scotland) Act 2005: We consider the above framework potentially qualifies under section 5(4) of the above legislation.

The Responsible Authority is: Historic Environment Scotland

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Title: HES Regulatory Framework

Purpose of the framework: Our Regulatory Framework will set out the aims and principles behind HES's role in planning and other regulatory systems. Its purpose is to give assurance to our stakeholders about how we deliver our regulatory and advisory work within the context of laws, regulations, national policies and the [Regulator's strategic code of practice](#). It will also set out our values and behaviours, some of the key policies that influence our decision making and advice and explain who is responsible for decision-making in different situations.

What prompted the framework? The production of the framework is an action within our current [Annual Operating Plan](#).

Subject: Cultural heritage

Period covered & frequency of updates: 5 years or as required

Area covered by the framework: Scotland and all HES functions relating to our regulatory and advisory activities in the planning and other consenting systems

Summary of the framework: The Framework will explain:

- what we are seeking to achieve through our regulatory and advisory activities
- our role and the difference between our work as a 'regulator' and an 'advisor'
- how we carry out our role within the context of laws, regulations, national policies and the Scottish regulators' strategic code of practice
- how we make decisions and the basis of our advice
- the governance we have to manage the consistency, proportionality and quality of our work, our escalation protocols and how we resolve any conflicts of interest
- our principles in relation to this area of our work
- how we make information available and are accountable to the public
- how we monitor our performance, seek feedback from service users and stakeholders and how we use this feedback to identify improvements

Screening assessment

With reference to the criteria specified in Schedule 2 of the Environmental Assessment (Scotland) Act 2005 we consider that the framework will have minimal environmental effects. This is mainly because the priorities which will guide the framework have been considered and assessed at a strategic level through the previous environmental assessments for Our Place in Time 2014 ([SEA/00783](#)) and HES's previous Corporate Plan 2015-19 ([SEA/01049](#)).

Our [Corporate Plan](#) for 2022 onwards has recently been updated and our determination for this ([SEA/01673](#)) was that, pending a wider review in 2023/24, the findings of this previous assessment remain valid. Our Place in Time is currently being updated and a SEA is being undertaken as part of this process.

All of these previous assessments identified the importance of supporting a wide range of environmental issues, particularly climate change adaptation and mitigation and this will continue to form a core part of our current activities and be reflected in the framework. Strategic priorities for our regulatory and advisory work will also be considered at a strategic level as part of the [Our Place in Time review](#) which is currently underway and due to conclude in spring 2023.

The goals and principles contained within the framework will be designed to provide HES with the tools to operate modern, efficient, effective and integrated regulatory and advisory services. It is not about changing the environmental outcomes we are seeking to deliver. The setting of operational priorities will be undertaken through HES's Corporate Planning process as described above.

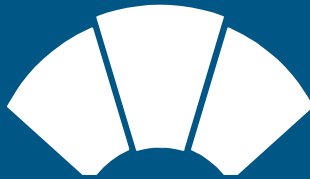
In addition, the goals, objectives and procedures in the framework will not in themselves lead to significant environmental effects. Any environmental effects will arise at an operational level as HES makes decisions and provides advice about the management of the historic environment. Our decisions and advice will continue to reflect national policy, particularly policies contained within the National Planning Framework and the Historic Environment Policy for Scotland.

Finally, the framework will provide information on the range of laws and regulations that govern how we operate within the regulatory environment. We hope this will help to better explain the role we perform and how this relates to the roles performed by other decision makers and stakeholders.

Historic Environment Scotland's determination

Based on the information provided above, we consider our Regulatory Framework is likely to have minimal environmental effects. It is the view of Historic Environment Scotland that, under Section 7 of the Environmental Assessment (Scotland) Act 2005, a strategic environmental assessment is not required prior to its adoption.

Historic Environment Scotland
22 September 2022



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