Environment, Climate Change and Land Reform Committee
EU Environmental and Animal Welfare Principles
Written submission from Historic Environment Scotland

EU Environmental and Animal Welfare Principles

Thank you for seeking our views on the following EU principles.

- The precautionary principle
- Preventive action
- Environmental damage should as a priority be rectified at source
- The polluter should pay
- Animal sentience.

I offer the following comments on behalf of Historic Environment Scotland which is the lead public body set up to investigate, care for and promote Scotland’s historic environment. Our comments are restricted to those on EU environmental principles.

We are a non-departmental public body with charitable status, governed by a Board of Trustees, who are appointed by Scottish Ministers. We lead and enable Scotland’s first historic environment strategy Our Place in Time, which sets out how our historic environment will be managed. It ensures our historic environment is cared for, valued and enhanced, both now and for future generations.

**Historic Environment Scotland’s role in environmental protection**

Our main role in environmental protection is through providing advice to land owners and land managers on the effect of their plans, projects and proposals on the historic environment. We are a statutory consultee for some planning applications and all projects accompanied by an environmental impact assessment. We are also consulted on certain applications for listed building consent and conservation area consent. In addition, we are also a consenting authority for proposed works to scheduled monuments. Our role in relation to the regulation of works to scheduled monuments also includes the ability for us to be able to undertake enforcement action on works which occur to such assets without prior consent.

**The importance and impact of EU environmental principles**

These principles are central to the work of Historic Environment Scotland. In general terms, Historic Environment Scotland’s Policy Statement broadly identifies that the historic environment should be managed in line with a number of these principles. Actions taken in respect of Scotland’s historic environment, for example, are to secure its conservation and management for the benefit and enjoyment of future generations. In addition, there is also a presumption in favour of the preservation of heritage assets.
The precautionary principle is fundamental to our work in relation to the regulation and control of work to scheduled monuments. Such assets are recognised as being finite and non-renewable and they are often very fragile and vulnerable to damage or destruction. Where changes to such monuments are proposed, they are required to be carefully considered, based on good authority and properly planned and executed.

**How and where have these principles had an impact on environmental policy in Scotland?**

These principles are directly incorporated into UK and Scots Law through the Environmental Impact Assessment Regulations. These regulations are transposed directly from EU Directives as there is no primary legislation for project level Environmental Impact Assessment.

The Environmental Assessment (Scotland) Act 2005 provides primary legislation for the Strategic Environmental Assessment of public sector plans, programmes and strategies. This legislation has brought a greater level of protection to Scotland's environment. It achieves this by ensuring that every qualifying public plan, programme and strategy is considered for its likely environmental effects and where likely to be significant, opportunities to avoid adverse impacts sought and positive ones enhanced.

As noted above, these principles are essential to our work in the sustainable management of the historic environment.

**The appropriateness of retaining these EU principles in law**

Historic Environment Scotland would recommend that these principles are retained in law to ensure the sustainable management of the historic environment in particular. As noted above there is no primary legislation for project level Environmental Impact Assessment. On this basis consideration should be given to adopting an appropriate regulatory framework to ensure that qualifying projects are designed and consented in full light of their potential environmental effects.