

1. INTRODUCTION

- 1.1 This guidance note is one of a series that provides advice on good practice in managing change in the historic environment. The advice supports the policies contained in the *Scottish Historic Environment Policy* (2009) (SHEP, PDF 312K), *The Scottish Planning Policy* (2010) (SPP, PDF 299K) and the *Scottish Forestry Strategy* (2006) (PDF 3.1MB); and reflects the principles of the European Landscape Convention (*Council of Europe's website*). It sets out the principles that responsible authorities should apply to managing change within battlefields as part of the historic environment and cultural diversity of Scotland's landscape.
- 1.2 This guidance note is intended to help local authorities, public bodies with responsibility for landscape, land-use and land management, and other interested parties, manage the impact of change on historic battlefields in a sympathetic way that respects their inherent value and their potential for providing social and economic benefit in the context of a dynamic and changing environment.
- 1.3 The main focus of this note is the battlefields included in Historic Scotland's Inventory of Historic Battlefields, where a battlefield is defined as an area of land over which a battle was fought or significant activities relating to a battle occurred. The principles apply to other battlefields as well, though these are likely to be less well understood in relation to the modern landscape.
- 1.4 As this guidance addresses an aspect of the historic environment for the first time, it should be considered interim guidance that will be reviewed and revised in light of experience and practice. Historic Scotland will liaise with local authorities and other key stakeholders on its practical application and the need for review and supplementary guidance in due course.

2. WHY HISTORIC BATTLEFIELDS ARE IMPORTANT

- 2.1 Battlefields are an important part of Scotland's landscape and historic environment. They contribute to our sense of history and place, and of culture and national identity. For many people they are places for respect and provide a focus for contemplation and remembrance.
- 2.2 Battlefields are a significant historical and archaeological resource. The physical remains, artefacts, burials and other archaeological deposits within them inform our understanding of important aspects of Scottish history, help clarify the course of events of a battle and provide invaluable information about the combatants.
- 2.3 Battlefields have a crucial landscape context. The landscape context encompasses the area across which a battle took place and is vital in understanding the course of events.



The scene of the Jacobite's famous Highland Charge at Killiecrankie: the terraced slope provided cover from Government fire.



Soldier's Leap, Killiecrankie, well-visited scene of a popular tale of a soldier's bid to escape in the aftermath of the battle.



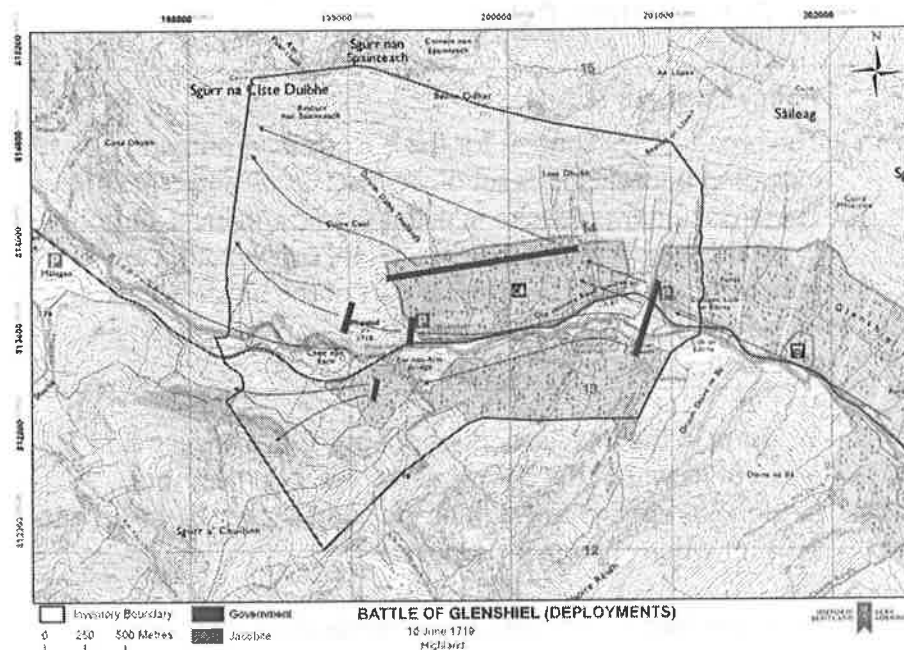
A moment of quiet remembrance at Culloden.

- 2.4 In addition to its physical aspects, a battlefield offers a tangible link to the past and can convey a sense of place linked to the historically significant, traumatic and tragic events that occurred there.
- 2.5 Battlefields have a potentially important role in education, recreation and tourism, allowing people an opportunity to learn about and experience first-hand the location of a major historical event.
- 2.6 Battlefields have an international resonance that attracts visitors from abroad. They are part of a shared cultural heritage which presents challenges of stewardship but also offers opportunities to promote the history and heritage of Scotland on a world stage.

3. THE INVENTORY OF HISTORIC BATTLEFIELDS

The Inventory

- 3.1 The Inventory of Historic Battlefields was introduced in SHEP 2009 and is compiled and maintained by Historic Scotland on behalf of Scottish Ministers. This is a statutory duty under the Historic Environment (Amendment) (Scotland) Act 2011.
- 3.2 The Inventory comprises a list of battlefields considered to be of national importance that meet the criteria set out in SHEP 2009, Annex 5. It provides information on the sites and their significance in order to aid understanding, promote awareness and inform decision-making in relation to their protection and the sympathetic and sustainable management of change within them.
- 3.3 The Inventory is a resource that can be used to stimulate research, support education and aid initiatives aimed at interpretation, recreation, tourism and commemoration. It has the capacity to be added to and developed further.
- 3.4 The Inventory brings together key information about the sites included, together with a boundary map showing the extent of the battlefield. This information reflects our current understanding based on informed academic opinion and will be reviewed and enhanced as further information comes to light. Inventory reports can be viewed at:
www.historic-scotland.gov.uk/battlefields
- 3.5 Some battlefields that have not been included in the Inventory may still be of national importance, but cannot be sufficiently well-defined at present. Other sites will be of regional or local significance and contribute to the understanding of the archaeology and history of a specific area.



Left: The Inventory map defines the overall area considered to be of interest. It includes the area where the main events of the battle are thought to have taken place, where associated physical remains and archaeological evidence occur or may be expected, and where additional landscape components, such as strategic viewpoints, may lie.



John Henry Bastide's 18th century map of the Battle of Glenshiel, indicating the Government and Jacobite deployments and their movements during the course of the battle. Historic maps such as this are an invaluable source of information in relating the site of a battle to the modern landscape. Reproduced by permission of the Trustees of the National Library of Scotland.



Glenshiel: Some of the surviving elements of the Jacobite fortifications on the northern side of the valley, which are also designated as a Scheduled Monument. Physical remains of a battle can take many forms and all form an integral part of our understanding of the field of conflict.

Designated Area

- 3.6 The area defined by the boundary map highlights the area of landscape within which the main events of the battle are understood to have taken place and where the main evidence survives, or has the potential to do so: the battlefield landscape is explained in Annex 1. As far as possible the mapped boundary follows features that can be recognised on the ground today.
- 3.7 Inventory areas are substantial because they encompass areas of conflict, routes of key movements of troops across the landscape, landscape elements that influenced the course of events and other important locations such as the position of camps. Key views or vantage points are also included as these played an important role in the course of events. The areas do not, however, include the full extent of routes of advance or retreat as these could be very protracted. This means that there is a potential for related evidence beyond the Inventory boundary, though this is likely to be more dispersed than within the area designated.
- 3.8 The size of the areas reflects the fact that battles were fluid and complex events. Different parts of the landscape or physical features played a role at different stages, while visual links were often vital in dictating the course of action. Consequently, the nature of the evidence, or potential for evidence, can vary across the battlefield.
- 3.9 The boundary map indicates the area understood to be the main extent of the battlefield irrespective of subsequent landscape and land-use change or current condition.



Covenanter's Field, Bothwell Bridge, where archaeological investigations have confirmed that fighting took place during the battle.



Most of Culloden battlefield lay under forestry until clearance by NTS in the 1980s. While some areas remain planted, the positive impact of this clearance on our appreciation of the battlefield can be seen clearly in this image. © National Trust for Scotland/Alexander Bennett

4. ESTABLISHING POLICY

Policy Context

- 4.1 The broad policy context for the historic environment, including battlefields, is set out in SHEP 2009 and SPP 2010. These documents require relevant public and local authorities to establish policies for the protection, conservation and enhancement of battlefields, as part of the historic environment, in their development and other strategic plans and when considering proposals for change.
- 4.2 Inclusion in the Inventory does not introduce any legal restrictions within the designated areas, but Inventory battlefields are areas of significance that should be taken into account when change is proposed.
- 4.3 Inventory battlefields are a material consideration in the determination of planning application. Planning authorities should identify Inventory sites in their development plans, establish appropriate policies and guidance for development management, and develop suitable conditions and agreements to protect, conserve and enhance these sites.
- 4.4 Other public bodies, particularly those responsible for landscape, land-use, land management and utilities, should similarly identify battlefields in their strategic plans and develop policies and guidance to inform the management of change affecting them, as appropriate to their areas of work.
- 4.5 Specific policies may be needed to suit the varying conditions across a site, which can include, for example, urbanised areas, less developed areas, open spaces, afforested or agricultural land.
- 4.6 Relevant authorities may wish to develop appropriate policies for battlefields that are not included in the Inventory when the level of information available makes this feasible.

5. MANAGING CHANGE

Key issues

- 5.1 Battlefields are designated areas with strong cultural resonance. As important aspects of the historic environment and local landscape, their protection, conservation and enhancement is a material consideration when change is proposed and must be a factor in change management processes.
- 5.2 Battlefields are a unique resource with complex archaeological, artefact and landscape components. They are the locations of significant historical events and are crucial for our understanding and appreciation of those events. They are a fragile resource, vulnerable to the impact of change in complicated ways. These

qualities need to be borne in mind in the management of change.

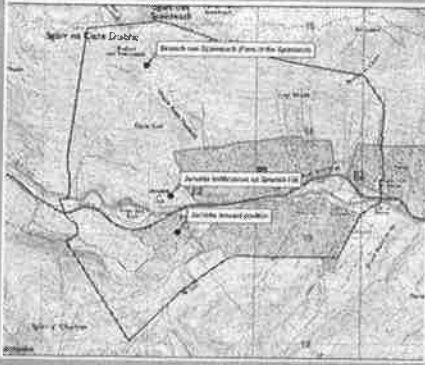
- 5.3 Battlefields have potential benefits for community engagement and enhancement of the local environment, and as assets for tourism and enjoyment. Wherever possible this potential should be developed in the context of change management.

Guiding principles

- 5.4 The guiding aim is to manage change in a sympathetic way that respects the value of battlefields as change occurs; protects, conserves and enhances key landscape characteristics, important features and archaeological deposits in-situ for the future; and facilitates their potential to make a positive contribution to communities, the environment and tourism.
- 5.5 To manage change effectively, it is essential to assess the potential impact of proposed change to a battlefield, and identify options for addressing adverse impacts and enhancing positive benefits.
- 5.6 In the process of assessing impact and managing change in battlefields, the following factors should be borne in mind:
- Battlefields are complex heritage areas, with a strong landscape context, specific physical qualities and archaeological potential, and important inter-relationships between these (see Annex 1);
 - Battlefields also have less tangible values, relating to sense of place, cultural identity, commemoration and remembrance;
 - Change can have an adverse or a positive effect on the battlefield landscape, specific qualities and archaeological potential, whether in relation to the whole battlefield or to individual aspects of it;
 - Options for protection, conservation and enhancement should seek to avoid, mitigate or manage potential adverse effects and seek to achieve positive benefits;
 - Positive management of battlefields can open up opportunities to support understanding and appreciation of heritage, promote access, enjoyment and community participation, provide benefits for tourism and stimulate the local economy;
 - Developing a conservation plan can help achieve collective vision; strategic overview; engagement between stakeholders; integrated management; and long-term stewardship of a battlefield;
 - Local community groups and heritage trusts can play an important role in the protection, conservation and enhancement of battlefields.



Killiecrankie: looking from the remains of buildings at Croft Carnoch, the probable position of the Jacobite snipers in the early stages of the battle, towards the Government position. The relationship between these elements of the battlefield is vital to continued understanding of key events of the battle.



Glenshiel Inventory map showing key landscape features. Wherever possible, the Inventory boundary map is supported with additional maps depicting information to assist with locating features of the battlefield mentioned in the text.



Bankton House, a listed building, featured in events of the Battle of Prestonpans.

Assessing the impact of change

5.7 The stages for assessing the impact of proposed change on a battlefield are:

- Stage 1: identify whether the proposed change is likely to affect understanding or appreciation of the battlefield
- Stage 2: identify the nature of any impact on its landscape context, specific qualities, associated memorials, key inter-relationships and wider setting
- Stage 3: identify options for the protection, conservation and enhancement of the battlefield

Stage 1: Identify whether the proposed change is likely to affect understanding or appreciation of the battlefield

- 5.8 Establish baseline information to gain an understanding of the battlefield and the location of the area affected by the proposed within it. For Inventory sites, the Inventory reports will aid this. For other sites, some information may be available in historic environment records.
- 5.9 Identify how the area affected by the proposed change contributes to understanding and appreciation of the battlefield. This should consider the location of the proposed change in relation to the landscape context, specific qualities, memorials and the inter-relationships between these.
- 5.10 Identify any elements within the battlefield that are designated for other reasons. Some of these may lie entirely within the battlefield and may be either related to it, such as scheduled burials or earthworks, or unrelated. Other designated areas may overlap with the battlefield, such as gardens and designed landscapes or National Scenic Areas.

Stage 2: Identify the nature of any impact on its landscape context, specific qualities, associated memorials, key inter-relationships and wider setting

- 5.11 Assess how the proposed change is likely to impact on the battlefield, bearing in mind that impacts may be direct or indirect. Changes may affect all or part of the battlefield landscape and its specific qualities, and may reduce the potential to yield new information in future. Changes may involve physical impacts, visual impacts or may affect less tangible qualities such as sense of place or cultural resonance.
- 5.12 Assess whether the proposed change would have a neutral, adverse or positive impact on any aspects of the battlefield and our ability to understand and appreciate it. This will include such considerations as:
- the degree of change, recognising that many small changes of less significance can have a significant cumulative impact;
 - the scale of change relative to the scale of the battlefield;

- the impact of change on essential characteristics of the battlefield, including visual impact;
- the impact of the change on the wider setting, sense of place, cultural associations and public perception of the battlefield;
- the benefit of the change for the battlefield and for appreciation and enjoyment of it.

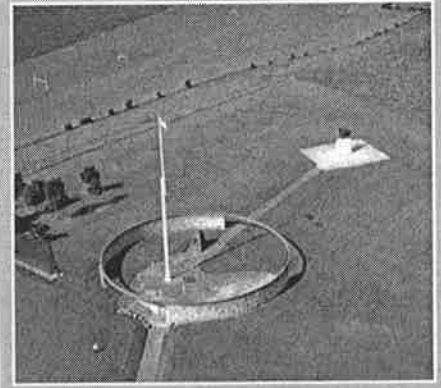
- 5.13 There are existing processes for assessing impacts on landscapes and historic environment assets, including landscape sensitivity and capacity studies, landscape visual impact assessment, archaeological investigation and recording of structural remains. Landscape character assessments and historic land-use assessment can help gain an understanding of the wider landscape and land-use context of the battlefield.
- 5.14 A variety of management tools can assist in assessing how a proposed change may impact on a battlefield and its landscape context. These include GIS applications, such as view-shed analysis and digital terrain models, and graphic presentations, such as photomontages.

Stage 3: Identify options for the protection, conservation and enhancement of the battlefield

- 5.15 The main aim is to seek to avoid adverse impacts on the whole or part of the battlefield wherever possible and to enhance positive benefits.
- 5.16 Where adverse impacts cannot be avoided, mitigation measures should be identified wherever possible to reduce impacts, including through positive approaches to location and design.
- 5.17 Opportunities for positive enhancements should be identified wherever possible, such as:
- programmes of research and archaeological investigation;
 - targeted management, such as removal or restructuring of woodlands to reveal key aspects of the terrain or open up important views;
 - interpretation, battlefield trails and other access schemes to make the battlefield or parts of it more accessible for visitor;
 - commemorative schemes.

Conservation Plans

- 5.18 Conservation plans are an important tool for developing an integrated approach to the care of a battlefield and can support strategic planning, protection and management, and access and interpretation.
- 5.19 As battlefields cover large areas and have multiple owners, a conservation plan is a key mechanism for setting the overall vision and strategic aims for a battlefield as a whole, and

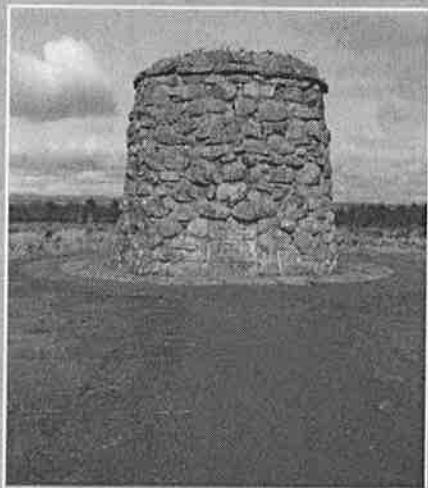


Commemoration is an important part of respecting battlefields, as here at Bannockburn where memorialisation forms part of the visitor experience.

© National Trust for Scotland



HLA and battlefields: historic land-use types can aid understanding of the land-use history across the battlefield, shown here for Prestonpans



*The memorial cairn at Culloden,
erected in 1881.*

for developing a co-ordinated approach towards achieving these. Such plans provide a focus for bringing together key stakeholders, including land-owners, communities, local authorities and key public bodies; for determining the nature and level of cultural significance; for establishing shared goals and actions; for helping with the proactive management of change within the battlefield; for supporting site interpretation and access; and for securing long-term stewardship.

- 5.20 Conservation plans provide a framework for promoting new research or adding new information to our knowledge base and improve our understanding of a battlefield over time.
- 5.21 Conservation plans support an integrated approach to environmental management, allowing, for example, benefits for biodiversity and historic environment to be realised alongside each other.
- 5.22 Community involvement in conservation planning is particularly important for the long-term protection and enhancement of a battlefield. A local community or historic interest group can lead the way in the positive management of a battlefield, enhancing the local environment, promoting the heritage and cultural identity of an area, and giving the site a strong focus for education, recreation and tourism. This can in turn contribute to social well-being and stimulate the local economy.
- 5.23 Preparing conservation plans for the areas covered by battlefields will represent a challenge and requires long-term commitment and funding support. While it is open to a range of groups to take the lead in preparing such a plan, it is essential that key decision-makers, local communities, land-owners and other stakeholders are involved in the process.

Specialist Advice

- 5.24 It may be helpful to seek input from specialist advisors at an early stage to help ensure that the assessment process and proposed approaches are appropriate for the battlefield landscape, key features and archaeological potential.

Archaeological Investigations

- 5.25 Archaeological investigation of a battlefield should be carried out by suitably qualified professionals and should follow methodologies appropriate for a battlefield, including:
 - Detailed topographic survey to aid the identification of subtle or eroded terrain features and for comparison with contemporary accounts or maps of the battlefield;
 - Meticulous metal-detecting survey of the topsoil, where most battlefield artefacts are likely to be found, before any earth-moving is undertaken. Geophysical surveys of areas identified through desk-based assessments and contemporary accounts as the possible locations of battlefield features;

- Recording of contemporary structures on the battlefield such as field boundaries and buildings, particularly for previously unrecorded evidence of the battle, such as bullet scars in masonry.

Metal-detecting and finds recording

- 5.26 Metal-detecting on battlefields should follow good practice for detecting on archaeological sites. Metal-detecting survey is a valuable technique in the archaeological investigation of a battlefield, but to give reliable results and provide useful information, it must be carried out to rigorous standards of recording. Without this, artefacts will be divorced from their essential archaeological context, significantly reducing their value for enhancing understanding of the battle and combatants.
- 5.27 Accordingly, metal-detecting should preferably only be undertaken as part of a programme of academic research and should follow currently accepted standards of survey and recording.
- 5.28 Any artefacts recovered from a battlefield, whether through archaeological investigation, metal-detecting or by chance, must be reported to responsible authorities. Under Scottish law all portable antiquities of archaeological, historical or cultural significance are subject to claim by the Crown through the Treasure Trove system and must be reported. Further information on these legal requirements can be obtained from the Treasure Trove Unit.



Metal-detecting survey was undertaken at Prestonpans as part of a structured programme of archaeological investigation.

6. USEFUL INFORMATION AND CONTACTS

6.1 ALGAO: Scotland

The Scottish arm of the Association of Local Government Archaeological Officers. Member local authorities are represented by the senior professional archaeologist whose primary responsibility is to advise that authority, principally through the planning process, on conservation and management of the archaeological resource within the boundaries of that authority, and who has been nominated by that authority to represent it.

www.algao.org.uk/Association/Scotland/ScotIntro.htm

6.2 Centre for Battlefield Archaeology

The Centre for Battlefield Archaeology aims to provide a centre of excellence for teaching and research in conflict and battlefield archaeology, within Britain and internationally. Through research and consultancy work, the Centre aims to work closely with communities to preserve, enhance and study battlefields and the physical remains of conflict.

www.gla.ac.uk/departments/battlefieldarchaeology/

- 6.3 Forestry Commission Scotland**
Forestry Commission Scotland is the forestry directorate of the Scottish Government, advising on and implementing forestry policy and managing the national forest estate. Their mission is to protect and expand Scotland's forests and woodlands and increase their value to society and the environment.
www.forestry.gov.uk/website/fchomepages.nsf/hp/Scotland
- 6.4 Heritage Lottery Fund**
Using money raised through the National Lottery, the HLF gives grants to sustain and transform our heritage and can support the preparation of conservation plans. www.hlf.org.uk
- 6.5 Historic Scotland**
Historic Scotland is an executive agency of the Scottish Government, charged with safeguarding the nation's historic environment and promoting its understanding and enjoyment. It is responsible for protecting and providing advice on the management of the most important parts of Scotland's historic environment, and for grant-aiding its conservation. Details of available grants and advice on the preparation of conservation plans can be found on the web-site. www.historic-scotland.gov.uk
- 6.6 Interest Groups**
There are many local community groups, heritage trusts and specialist centres with an active interest in battlefields across Scotland. To help promote networking, Historic Scotland is developing a list of contacts for known groups through its web-site.
www.historic-scotland.gov.uk/battlefields
- 6.7 The National Trust for Scotland (NTS)**
The NTS is Scotland's largest conservation charity and looks after some of our most iconic battlefields. www.nts.org.uk
- 6.8 The Royal Commission on the Ancient and Historical Monuments of Scotland**
RCAHMS collects records and interprets information on the architectural, industrial, archaeological and maritime heritage of Scotland. www.rcahms.gov.uk
- 6.9 Treasure Trove Unit**
The Treasure Trove Unit is responsible for the day-to-day operation of the Treasure Trove system in Scotland and acts as secretariat to the Scottish Archaeological Finds Allocation Panel. www.treasuretrovescotland.gov.uk
- 6.10 The UK Battlefield Resource Centre**
The Resource Centre provides information on fields of conflict throughout the UK. It is run by the Battlefields Trust whose aim is to protect battlefields for the future, enhance their interpretation and provide a range of battlefield-related activities and information, including a guidance sheet on metal-detecting. www.battlefieldstrust.com/resource-centre

ANNEX 1 UNDERSTANDING THE BATTLEFIELD LANDSCAPE

1. Before the impact of change can be assessed, it is essential to understand the battlefield landscape. The various elements set out below all contribute to our understanding and appreciation of a battlefield and the potential impact of change on each of them should be carefully assessed. For Inventory sites these aspects are described in the Inventory reports for individual sites.

Landscape context

2. The landscape context explains the relationship between events of the battle and the terrain. The nature of the landscape usually played a major role in, for example, the location of the battle, deployments and specific aspects of the engagement. Particular aspects of topography (such as hills or breaks of slope), and elements of the landscape (such as rivers) frequently influenced the outcome. Different parts of the landscape often played key roles at different points in the course of the battle.
3. Although the landscape will have changed since the battle, key characteristics of the terrain at the time can often be identified even though their context may have changed, such as from a rural to an urban setting. Overall, this landscape context allows us to understand, interpret and appreciate a battle more fully on the ground where it took place and consequently it is important to respect this significant relationship when managing change.

Specific qualities

4. Specific qualities are the physical remains and archaeological evidence or potential associated with the battlefield. These include particular landscape features, buildings, enclosures and other structures that played a significant role in the battle, and areas of known or potential archaeological deposits. These qualities provide vital evidence for the battle and combatants, and can bring the battlefield to life in a tangible way. Some of this evidence may have deteriorated since the time of the battle through natural processes or human actions, but its archaeological value is very high: the particular context in which such evidence is found can provide irreplaceable information about the chronology of the action and subsequent events that is generally not available from other sources.

Memorials

5. Memorials to a battle, battlefield or key individuals can also be significant features in the landscape and frequently serve as a focus for commemoration and remembrance. While these may not always be on the site of the battlefield itself, and may be of more recent date, they nevertheless have an important cultural and social association that it is appropriate to understand and respect.



Statue of Robert the Bruce at Bannockburn.



Visiting Culloden.

Key inter-relationships

6. The inter-relationships between the different elements of a battlefield and between these and the surrounding landscape may also be significant. For example, the visibility between different topographic elements may have helped or hindered movement; vantage points would have provided views of the terrain to help anticipate and respond to enemy actions; lines of approach or retreat may have been dictated by wider topography or settlement patterns. Retaining key lines of sight will enhance understanding of the battlefield and specific aspects of the action.
7. The wider landscape setting of a battlefield can also be important. For example, lines of sight between the battlefield and external military support may have been significant; landmarks in the vicinity often feature in historical depictions anchoring the battle in the landscape; extended lines of approach or retreat may connect the battlefield to the wider landscape.

Intangible qualities

8. In addition to physical and visual qualities, battlefields can have a less tangible quality relating to their sense of place and cultural identity. This can relate to perception of the importance of the battle and the loss of life incurred and to its resonance in Scottish culture, and may be influenced by the current landscape setting which can enhance or detract from appreciation and enjoyment.

Condition

9. The battlefield landscape will have changed over time to some extent. The degree of change will vary from site to site and in relation to influencing factors such as date of battle, post-battle land-use and development, and soil conditions. It is important to note that even in areas of substantial change or development, there is potential for the recovery of valuable information relating to the battle, such as weaponry or personal effects, though this evidence is likely to be sporadic or dispersed.

FURTHER INFORMATION AND ADVICE

Details of all individual scheduled monuments, listed buildings, designated gardens and designed landscapes, battlefields and wrecks can be obtained from Historic Scotland (see contact details below) or at: www.pastmap.org.uk.

Historic Scotland
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Tel: 0131 668 8716
E-mail: hs.battlefields@scotland.gov.uk
Web: www.historic-scotland.gov.uk

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www.historicscotlandimages.gov.uk
ISBN: 978-1-84917-064-2

Cover images

Culloden/Glenshiel/Bannockburn

Selected publications and links

The *Inventory of Historic Battlefields* is available online through Historic Scotland's website.

Relevant policies of Scottish Ministers include *The Scottish Historic Environment Policy* (2009) (SHEP, PDF 312K); *The Scottish Planning Policy* (2010) (SPP, PDF 299K) and the *Scottish Forestry Strategy* (2006) (PDF 3.1MB).

Managing Change in the Historic Environment: Setting gives guidance on how to assess the setting of historic environment assets and mitigate impacts.

Metal Detecting Yes or No? is an advisory leaflet identifying good practice for metal-detecting on archaeological sites.

British Archaeological Jobs Resource. *Battlefield Archaeology – A Guide to the Archaeology of Conflict*, prepared by Tim Sutherland in November 2005.

PASTMAP is a website developed to identify protected heritage sites. www.pastmap.org.uk.

HLAmap is a web-site presenting data from the Historic Land-use Assessment which analyses and records the visible traces of past land-use within the Scottish landscape.

The *Heritage Lottery Fund* gives grants to sustain and transform our heritage.

The *Scotland Rural Development Programme* is a programme of economic, environmental and social measures, worth some £1.5 billion, designed to develop rural Scotland from 2007 to 2013.

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SCOTTISH HISTORIC ENVIRONMENT POLICY December 2011

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INTRODUCTION

1. Scotland's historic environment contributes to the Scottish Government's strategic objectives and to the National Performance Framework. The *Scottish Historic Environment Policy* (SHEP) document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Scotland and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment. These include the Scottish Government, local authorities and the range of bodies that is accountable to Scottish Ministers, including Historic Scotland. The SHEP complements and has the same authority as the Scottish Planning Policy and other relevant Ministerial policy documents. The SHEP is a relevant document in the statutory planning, Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) processes.
2. The original SHEP series was a response to the review of Historic Scotland in 2003–04 which recommended that an 'Executive endorsed policy statement for the historic environment in Scotland should be developed in consultation with stakeholders...'. Historic Scotland is an executive agency of the Scottish Government and its Framework Document sets out the roles and responsibilities of Scottish Ministers and the Chief Executive, who is accountable to Ministers for the operation of the agency (see Note 0.1). Everything that Historic Scotland does is done on behalf of Scottish Ministers, and a specific reference to the organisation in this document usually means that the agency has an operational role in handling applications or other matters.
3. The SHEP series was originally developed as individual free-standing documents. The single, combined SHEP was first published in October 2008 and revised in July 2009.
4. This revision of SHEP takes account of policy and legislative changes that have been introduced since the document was last updated in 2009. These are:
 - the Historic Environment (Amendment) (Scotland) Act 2011 ("the 2011 Act");
 - the Marine (Scotland) Act 2010 ("the 2010 Act");
 - the adoption of a UK Marine Policy Statement; and,
 - Scottish Ministers' policies for the designation and management of Historic Marine Protected Areas.

This revision represents a tightly focused matter-of-fact update that will ensure that SHEP reflects the new legal context which underpins Scottish Ministers' strategic policies for the historic environment. We have also updated figures and historic environment data within the SHEP.

5. The 2011 Act (The Bill for which received Royal Assent on 23 February 2011) amended the following 3 principal Acts:
 - the Historic Buildings and Ancient Monuments Act 1953 (“the 1953 Act”);
 - the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”); and
 - the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the 1997 Act”).

All references to the above principal Acts in this revision of SHEP are to be read as having been amended by the Historic Environment (Amendment) (Scotland) Act 2011.

6. The *Memorandum of Guidance on Listed Buildings and Conservation Areas* which was last published in August 1998 is now fully superseded by the SHEP and Historic Scotland’s *Managing Change* leaflets.
7. The *Scottish Historic Environment Policy*, the combined *Scottish Planning Policy* and Historic Scotland’s *Managing Change in the Historic Environment* guidance note series (as confirmed in Planning Circular 9 2009) are the documents to which planning authorities are directed in their consideration of applications for conservation area consent, listed building consent for buildings of all three categories (see Note 2.19), and their consideration of planning applications affecting the historic environment and the setting of individual elements of the historic environment. Planning authorities are also directed to these documents to assist them in development planning. Historic Scotland will notify planning authorities in writing when new guidance notes in their *Managing Change in the Historic Environment* series are issued.
8. A UK Marine Policy Statement adopted by all the UK administrations provides a framework for considering the historic environment in the preparation of Marine Plans, which in turn guide decisions affecting the marine environment around Scotland (see Note 0.2).

CHAPTER 1: SCOTLAND'S HISTORIC ENVIRONMENT

- 1.1. Scotland's distinctive character has been shaped by over 10,000 years of human activity. Past generations have left their mark in the form of monuments, buildings and sites, in our towns and cities and in the countryside around us, even in the patterns of our streets and fields. This rich historic tapestry is our **historic environment**. The historic environment is part of our everyday lives. It helps give us a sense of place, well-being and cultural identity. It enhances regional and local distinctiveness. It forges connections between people and the places where they live and visit. It helps make Scotland a great place to live and work. It is important that everyone in Scotland takes care of this inheritance now, so that future generations will also be able to enjoy it.
- 1.2. The historic character of our environment is important to our quality of life and sense of identity. Many of its elements are precious, some are not well understood; if it is lost or damaged, it cannot be replaced. The historic environment requires careful and active management to ensure its survival.

The Historic Environment

Our whole environment, whether rural or urban, on land or under water, has a historic dimension that contributes to its quality and character. It has been shaped by human and natural processes over thousands of years. This is most obvious in our built heritage: ancient monuments; archaeological sites and landscapes; historic buildings; townscape; parks; gardens and designed landscapes; and our marine heritage, for example in the form of historic shipwrecks or underwater landscapes once dry land.

We can see it in the patterns in our landscape – the layout of fields and roads, and the remains of a wide range of past human activities.

Importantly, it also includes our buildings erected before 1919 (see Note 1.1). Although the majority of older buildings are not listed, most provide flexible and often spacious domestic and non-domestic accommodation. A huge investment of money, energy and materials went into these buildings – it would be poor stewardship of this inheritance to neglect it.

The context or setting in which specific historic features sit and the patterns of past use are part of our historic environment. The historical, artistic, literary, linguistic, and scenic associations of places and landscapes are some of the less tangible elements of the historic environment. These elements make a fundamental contribution to our sense of place and cultural identity.

- 1.3. The sense of place and the strong cultural identity provided by the historic environment plays a large part in the maintenance and regeneration of communities and in promoting a positive image of Scotland across the world. Scotland is also custodian of a number of World Heritage Sites, which have 'outstanding universal value' (see Note 1.2).

- 1.4. Interest in and efforts to conserve aspects of the historic environment were first given legal form in the UK in 1882. Now a web of international treaties and conventions underpins European and national law and regulation to ensure that Scotland's historic environment is protected, and that change in the historic environment is undertaken on the basis of sound evidence. Ministers are committed to ensuring that Scotland delivers on its international obligations and that we are seen as an international exemplar of how a small country can care for its historic environment.
- 1.5. Everything changes, matures and decays. Natural processes, such as climate change and erosion, and human interventions through land management, urban and rural development, transport and pollution, constantly erode or change our historic environment. The sustainable management of the historic environment is an integral part of the wider management of resources.
- 1.6. The historic environment has been adapted over time to meet changing needs. Our view of what is important develops and changes. New buildings, sites and environments are created, and over time, become historic. The challenge for sustainable management of the historic environment and how it contributes to the vitality of modern life, is to identify its key characteristics and to establish the boundaries within which change can continue so that it enhances rather than diminishes historic character.
- 1.7. The remains of the past can act as a powerful catalyst and a stimulus to high-quality new design and development, leading to successful regeneration and community-building. We believe that the historic environment should be valued as an asset, rather than thought of as a barrier to development. It reinforces the identity of communities, and can add value, provided that value is recognised at the outset and it becomes an integral part of any development or regeneration project.
- 1.8. **The protection of the historic environment is not about preventing change.** Ministers believe that change in this dynamic environment should be **managed intelligently and with understanding**, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities.
- 1.9. The historic environment faces many challenges:
 - a. poor understanding of the positive role it can play in the maintenance, development and regeneration of communities, their culture and their economy;
 - b. short-term visions for the development of places;
 - c. changing land-management practices and restructuring in the farming industry;
 - d. lack of knowledge and understanding of how older buildings were constructed and perform and their maintenance needs;
 - e. loss of sites to coastal and plough erosion;
 - f. inappropriate change that reduces the cultural significance, or detracts from the appearance or quality of conservation areas;
 - g. the needs of renewable energy generation;

- h. achieving a good carbon footprint for older buildings while maintaining their cultural significance;
- i. the lack of traditional skills, suitably-qualified craftsmen and locally-available materials for the maintenance and repair of the historic environment.

SCOTTISH MINISTERS' VISION AND KEY PRINCIPLES

Vision

- 1.10. We can see Scotland's history through its historic environment, which reflects the strength and diversity of different regions, and the contribution of many cultures and peoples. Scottish Ministers want everyone who lives in Scotland to have the opportunity to understand and connect with the historic environment. Scottish Ministers have made large areas of Scotland's historic landscapes freely accessible through new rights of access to land and inland waters. There is a real and growing interest in the historic environment and the crucial part it plays in Scotland's cultural identity. Scottish Ministers believe that the people of Scotland are entitled to expect the historic environment to be protected, cared for and used sustainably so that it can be passed on to benefit future generations.
- 1.11. The protection and enhancement of the historic environment contributes to the Scottish Government's central purpose, which is 'to focus government and public services on creating a more sustainable country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth' (see Note 1.3). To support that, the Scottish Government has identified as a national outcome that 'We value and enjoy our built and natural environment and protect and enhance it for future generations'. Scottish Ministers will therefore take account of the wider sustainability agenda in all their decisions on matters relating to the historic environment. In particular, they will look to Historic Scotland to practise sustainable management of the properties in their care, to promote green tourism, and to advise other bodies on the sustainable management of the historic environment. Sustainable management practices recognise that the protection and management of the historic environment is best carried out in balance with the surrounding environment, not in isolation from it. Scottish Planning Policy and the UK Marine Policy Statement set out how this will be managed in terrestrial and marine planning systems respectively.
- 1.12. Scottish Ministers want to:
 - a. realise the full potential of the historic environment as a resource – cultural, educational, economic and social – across every part of Scotland and for all the people;
 - b. make the best use of the historic environment to achieve their wider aims of economic and social regeneration;
 - c. identify the many aspects of our environment and protect and manage them in a sustainable way to secure their long-term survival and preserve their embodied energy;
 - d. understand fully all aspects of the historic environment, and their condition and inter-relationships;
 - e. broaden access to the historic environment and break down intellectual, physical and economic barriers;
 - f. ensure that effective systems underpinned by appropriate legislation and information are in place to conserve and manage the historic environment.

Key outcomes

- 1.13. Scottish Ministers are determined to achieve three key outcomes for Scotland's historic environment by putting in place a strategic policy framework for the historic environment, investing in its delivery and working in partnership with others:

Key Outcome 1: that the historic environment is cared for, protected and enhanced for the benefit of our own and future generations.

Key Outcome 2: to secure greater economic benefits from the historic environment.

Key Outcome 3: the people of Scotland and visitors to our country value, understand and enjoy the historic environment.

The historic environment can make a valuable contribution to Scottish Ministers' wider agenda to create an aspiring, confident country with sustainable economic growth, confident communities, a vibrant and dynamic cultural life, and offering unparalleled tourism opportunities. Progress towards these outcomes will be measured by Scotland's Historic Environment Audit (see para 1.48) and by other targeted research.

Key principles

- 1.14. The policy of Scottish Ministers is that:
- a. actions taken in respect of Scotland's historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations;
 - b. there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it;
 - c. Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value;
 - d. all of the people of Scotland should be able to enjoy, appreciate, learn from and understand Scotland's historic environment, and be assisted in that through access, research, knowledge, information and education and proactive conservation investment, without compromise to cultural significance.
- 1.15. The conservation of any part of Scotland's historic environment should:
- a. be based upon sound knowledge and understanding of the particular site, building, monument or landscape, and of its wider context;
 - b. be founded on full awareness and consideration of its cultural significance and all phases of its development;
 - c. be carried out in accordance with a conservation plan, which brings together all of the information and research necessary to guide the proposed action;

- d. ensure that what is to be conserved is properly recorded before and, if necessary, during and after work;
 - e. make provision for recording where continued preservation is no longer possible or where loss is taking place through change or ongoing decay, and ensure that all records are retained in readily accessible archives;
 - f. incur only the minimum degree of intervention considered appropriate by the relevant authority for the type of site, building, monument or landscape;
 - g. use appropriate technical knowledge, materials, skills and methods of working;
 - h. have regard to retaining, or where appropriate enhancing, the setting of the site, monument, building or landscape;
 - i. ensure that, where change is proposed, it is appropriate, carefully considered, authoritatively based, properly planned and executed, and (if appropriate) reversible;
 - j. include effective arrangements for monitoring the condition and safety of the historic asset and for delivery of routine maintenance and good housekeeping;
 - k. take account of the rich biodiversity of many historic sites, buildings and landscapes.
- 1.16. The relevant bodies with responsibilities for any aspect of the historic environment should ensure, as appropriate, that:
- a. the regimes affording protection to the historic environment are fit for purpose;
 - b. effective use is made of the statutory provisions available to protect the historic environment;
 - c. the historic environment is afforded due respect in all their activities;
 - d. the highest standards are set for, and applied to, the broad range of conservation practices;
 - e. appropriate and effective systems are established for monitoring and recording the condition of the historic environment;
 - f. suitable knowledge, skills, materials and technologies are available to enable conservation and management to be carried out in ways that safeguard the intrinsic archaeological, architectural, historical, physical and cultural significance of the heritage;
 - g. support, advice, encouragement, and clear and comprehensive guidance are readily available to all whose activities have an impact upon the repair, maintenance, management, protection and conservation of the historic environment;
 - h. training and education to enhance the quality of conservation practice and actions are widely available;
 - i. they work in partnership where there are shared interests.

Cross-cutting policies

- 1.17. Scottish Ministers' policies for the historic environment are closely related to other important cross-cutting policy areas:
- a. access to historic sites and the wider historic environment supports education, lifelong learning, internal and external tourism, and provides opportunities for exercise that promotes healthy bodies and minds;
 - b. the care, repair and maintenance of the historic environment provides employment in town and country, provides a major contribution to the turnover of the Scottish construction industry and supports the survival and expansion of traditional skills;
 - c. attractive and richly textured townscapes and rural landscapes promote Scotland as a good place to live and work;
 - d. the maintenance and regeneration of the historic environment helps support strong, safer communities;
 - e. the care, repair and maintenance of the historic environment has a significant part to play in wider sustainability policies;
 - f. so much of our environment is 'historic' that there are major links to policy on architecture, land management, planning and building standards;
 - g. there are close links between the historic environment and wider land-use and nature conservation policies that sustain a healthy landscape, diverse ecosystems and vigorous rural communities.

PARTNERS IN THE VISION

- 1.18 Scottish Ministers' vision for the historic environment can only be achieved by working in partnership with others in the historic environment community and beyond it. Some partnerships are statutory; most are voluntary. Much of this partnership working will be led on Scottish Ministers' behalf by Historic Scotland.
- 1.19 Scottish Ministers look to Historic Scotland to work in an open, inclusive and transparent way, to engage with stakeholders and to work in partnership in taking forward the visions and ambitions set out in this paper. In particular, Scottish Ministers look to Historic Scotland to work with:
- a. local authorities, which are key agents in protecting the historic environment and in harnessing the potential of the historic environment to contribute to Scotland's economic and social success. Scottish Ministers expect local authorities to play a full role in achieving their objectives for the historic environment (see Note 1.4);
 - b. the Royal Commission on the Ancient and Historical Monuments of Scotland (see Note 1.5);
 - c. Scottish Natural Heritage (SNH), with which Historic Scotland has a concordat. SNH has a significant role in the conservation of Scotland's landscapes, all of which have a historic element;
 - d. commercial, charitable and private owners and tenants of historic environment assets, who have a crucial role to play in conserving the fabric of the historic environment and, where appropriate, allowing and promoting public access and enjoyment;

- e. the voluntary sector, which makes a recognised and valued contribution: engaging local communities and individuals; undertaking important initiatives such as coastal archaeology surveys; acting as representative bodies for special interest groups; taking active roles in conserving individual sites or whole townscapes;
 - f. Scottish and UK government departments, executive agencies, non-departmental bodies and other bodies with direct responsibilities for parts of the historic environment, whether managing individual assets or areas of landscape or with key policy responsibilities, and whose policies impact on the historic environment. There are more details about the responsibilities placed upon the government sector in Chapter 5 and paragraphs 1.40 and 1.41 below;
 - g. sources of expertise, whether individuals or organisations, which can enhance the policy-making process and strategic decision-making for the historic environment;
 - h. the National Park Authorities, which have a statutory aim to conserve and enhance the cultural heritage;
 - i. the wider cultural heritage sector, including national and local museums, galleries, theatres, libraries and archives, because the historic environment plays a major role in Scottish culture;
 - j. educational and training institutions, which have an important role to play in research, formal and informal education and training of people of all ages;
 - k. the wider public sector, working with organisations with important and varied roles to play such as: Architecture+Design Scotland; the Heritage Lottery Fund; The Lighthouse, Scotland's Centre for Design and Architecture; Scottish Enterprise; Highlands and Islands Enterprise; and the Enterprise Network;
 - l. bodies working in other areas, such as social issues like citizenship, young people's needs and the needs of ethnic minorities, where the historic environment can have a beneficial impact;
 - m. the building industry;
 - n. professional bodies active in maintaining standards, skills and regulation in the historic environment sector.
- 1.20. The sustainable management of the historic environment has an impact on the broader environment, as well as economic and social implications. Working in partnership not only enables us to take on board competing priorities and weigh up conflicting concerns, it also opens up positive opportunities to enhance our environment. To this end, Historic Scotland has entered into, or is in discussion about, formal agreements with partner organisations to clarify their respective roles and how they will engage. The Agency keeps the need for such agreements under review on a case by case basis.
- 1.21. Individuals, business and organisations working together to a common purpose can ensure that a shared vision for the historic environment is delivered as a reality.

- 1.22. All responsible public organisations, non-governmental organisations or large businesses whose activities have a significant effect on the way the historic environment is conserved or managed should have in place robust strategic and operational policies to set out their engagement with the historic environment and the bodies which take the lead in caring for it.
- 1.23. Scottish Ministers will ensure that the historic environment is, where appropriate, taken account of from the earliest stage of developing Scottish Government policy and that of other public bodies.

IDENTIFICATION, DEFINITION AND DESIGNATION

- 1.24. Scotland, like all countries in the developed world, has in place legislation and systems to identify and record its historic environment, and legislation and regulation to protect important monuments, buildings, landscapes and areas and to control what happens to them. Scottish Ministers are committed to protecting Scotland's historic environment and to ensuring that effective legal and administrative systems are in place and maintained, to identify, record, conserve and enhance it in the national interest for present and future generations.
- 1.25. It is vital that we understand the many different forms the historic environment can take and the historical and cultural significance of all its different elements. This will allow us to develop clear criteria for protecting Scotland's historic environment. The most significant historic assets are protected through national systems of designation; others are protected or managed through other mechanisms such as the planning system or the system of government payments to farmers.
- 1.26. Identifying and designating heritage assets is a continuous process as each generation assesses and re-evaluates the inheritance it wishes to pass on to succeeding generations. That process also takes account of improvements in our understanding of the historic environment, brought about by continuing academic research and by developments in technology, such as geographic information systems and new techniques for recording and investigation. Scottish Ministers are committed to continuing this process and will look to Historic Scotland, the Royal Commission on the Ancient and Historical Monuments of Scotland and other key bodies to play complementary roles and to share knowledge and expertise.
- 1.27. The desire to protect and the identification of what to protect must flow from values that are shared across Scotland. Scottish Ministers are committed to ensuring, in part through this SHEP, that the principles and processes behind identification and designation are open and well-understood; that appropriate review mechanisms are in place and that owners and occupiers of assets proposed for designation have the opportunity to be consulted.

PROTECTION AND MANAGEMENT OF THE HISTORIC ENVIRONMENT

- 1.28. Scottish Ministers are committed to protecting and managing Scotland's rich and diverse historic environment in a sustainable way so that current and future generations can understand appreciate and benefit from it. Scottish Ministers have put in place, and will continue to support, a range of actions to achieve this.
- 1.29. Scottish Ministers want to recognise the value of the wider historic environment: so that people have attractive, varied and interesting places to live; so that the wider history of Scotland continues to be reflected in its landscapes and townscapes; so people can feel connected to where they, and perhaps their ancestors, lived.

- 1.30. Understanding the development of our environment through time helps inform decision-making about its management. It offers a longer-term perspective on important topics such as the nature and impact of past climate change and past management of the land, soil degradation, loss of woodland, building decay processes and the results of past economic and industrial development. Good stewardship of the historic environment can make a contribution towards addressing wider issues like energy conservation (maintaining and using existing resources and embodied energy) and reuse of buildings and building materials (including recycling). The use of local resources, traditional materials and skills can help reduce the impact of transportation.
- 1.31. Scottish Ministers want to emphasise the contribution made to a sustainable Scotland by the repair, maintenance, preservation and reuse of our older buildings, particularly the half million traditionally-constructed domestic buildings built before 1919. It is their policy that the waste caused by unnecessary demolition and replacement, with consequent loss of embodied energy, the need for landfill and the sourcing and transport of new materials, should be avoided wherever possible. Ministers will develop policy aimed at minimising the carbon footprint of older buildings on the basis of sound research that takes account of the characteristics and materials of traditional construction and respects the value of the diverse historic character of these buildings, and the contribution they make to the identity and quality of townscapes and rural landscapes.
- 1.32. The principles of good stewardship are set out immediately below. The philosophy underlying good stewardship is that it is essential to manage the historic environment carefully for both present and future generations. This clearly resonates with the concept of sustainability and the wise use of resources.
- 1.33. Maintaining quality is a key aim of good stewardship and involves the following considerations:
 - a. proper repair and maintenance of the historic environment is generally the most sustainable course of action;
 - b. management, and any proposed alteration or change of use, should be appropriate and follow best conservation practice;
 - c. to retain historic character and future performance of older buildings it is important to use appropriate and compatible materials and construction techniques;
 - d. it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials;
 - e. provisions for access should be appropriate to the character of the historic environment and should be adequately monitored.
- 1.34. It is recognised that some conflict can arise between the sustainable management of the historic environment and actions that are considered sustainable in other respects. It is also possible that the impact of proposed actions on the historic environment will be uncertain. In these cases the risk of potentially damaging actions should be minimised by following these key principles:
 - a. ensure that existing and intended management or use is appropriate and based on best available knowledge;
 - b. ensure that any proposed change of use is necessary;

- c. use appropriate assessment methodologies to determine the full impact of any proposed management, use or development;
 - d. avoid change wherever its effects cannot be adequately assessed;
 - e. where change is to proceed, adopt strategies to mitigate its impact and keep any interventions to a minimum;
 - f. ensure that management or alteration, including remedial work, is sympathetic to historic character, using compatible materials and construction techniques.
- 1.35. The protection and sustainable management of the historic environment also depends on understanding the techniques used in the original construction and on the availability of the appropriate indigenous traditional building skills and materials. Scottish Ministers are committed to establishing a proper understanding and awareness of what is needed.
- 1.36. There is a range of mechanisms in place to protect and manage the historic environment. For example, once an important monument, building or shipwreck has been identified and appropriately designated, specific consents may need to be sought or special consideration be given within the planning system. Where Scottish Ministers have a direct role to play in these processes they are committed to having clear policies that ensure consistency, transparency and fairness. They look to Historic Scotland to provide clear and consistent advice and to promote good practice in considering and managing change to the historic environment.
- 1.37. Scottish Ministers expect Historic Scotland and planning authorities to work together to try to improve mutual understanding, to find ways of increasing efficiency in administrative processes, and to remove impediments to the fuller use of the powers available both to designate and protect historic assets.
- 1.38. Scottish Ministers also look to the planning authorities to undertake their responsibilities for the historic environment in a pro-active and committed way. They should develop appropriate policy frameworks and procedures, and use all local mechanisms available to them for designation, management and control. They should also ensure that they have access to sufficient information and suitably qualified and experienced staff to meet their needs.
- 1.39. Scottish Ministers have direct responsibility for the management of over 340 monuments in their care and recognise that they hold these monuments in trust for future generations. Ministers are committed to conserving the monuments in a way that exemplifies the principles of sustainable management, and to making them accessible to the public. Further information is provided in Chapter 4.

Responsibilities of government departments

- 1.40. It is long-established policy that all government departments should discharge properly their duty of care for heritage assets they own or lease. This means that, for example, the Ministry of Defence has robust policies and procedures in place for the management of historic buildings and archaeological sites and landscapes on its bases and training areas.
- 1.41. Scottish Ministers expect all departments and agencies of the Scottish Government, all UK government departments and agencies operating in Scotland, and all non-departmental public bodies to adopt and adhere to current policy and guidance set out in Chapter 5.

INVESTMENT IN THE HISTORIC ENVIRONMENT

- 1.42. Scottish Ministers recognise that investment in the fabric and management of Scotland's historic environment is needed to meet the objectives they have set for its care, protection and enhancement, and for increasing public appreciation and enjoyment. Investment will also ensure that the historic environment is maintained as an irreplaceable asset that makes a major contribution to Scotland's economic, social and cultural well-being. Ministers are committed to promoting high-quality standards of repair, maintenance, and conservation and the sympathetic re-use of heritage assets where this is appropriate.
- 1.43. Most of Scotland's historic environment assets are owned by individuals, businesses, charities or public bodies. It is their responsibility to maintain and care for their properties. Scottish Ministers will make every effort to encourage good stewardship and proper standards of regular maintenance and repair, and to help owners make informed choices about changes to their properties. Historic Scotland will provide information and advice to enable owners to make informed decisions about the well-being of their property and will support and encourage other bodies outside government in providing such information. Owners can also look to the Scottish Government Rural and Rural Payments and Inspections Directorates and the Royal Commission on the Ancient and Historic Monuments of Scotland to provide appropriate information.
- 1.44. Scottish Ministers recognise that there can sometimes be additional costs associated with repairing and conserving historic buildings, sites and monuments that may on occasion require public support. For example, support may be justified where the private benefit is low or where the effort to rescue or adapt a building may be beyond ordinary market forces. Scottish Ministers are therefore committed to providing appropriate investment through grant schemes operated on their behalf by Historic Scotland and by other public bodies. Through this Ministers aim to:
 - a. meet the repair and conservation needs of the most important elements of the historic environment;
 - b. deliver benefits to communities by helping to regenerate and promote the active use and ongoing care, repair and maintenance of the historic environment, broadening access to it, promoting sustainable economic and rural development and reinforcing local identity and sense of place;
 - c. champion quality and develop skills and knowledge by promoting high standards of repair and maintenance, training in traditional craft skills, the continued access to and use of indigenous building materials and the educational value of the historic environment;
 - d. build capacity for local heritage management by enabling voluntary heritage organisations, network bodies and local authorities to deliver successful outcomes for the historic environment.
- 1.45. Scottish Ministers are committed to investing in the conservation of monuments and properties that are in their own care or are their responsibility as part of the Government Estate, which includes buildings, wild and farmed land, forests, bridges and harbours. They are committed to ensuring that their investment meets the conservation needs of these monuments and buildings and sets the benchmark of good practice with the appropriate knowledge, skills and materials.

ACCESSIBILITY AND UNDERSTANDING

- 1.46. The historic environment is all around us. Specific places, buildings and sites are generally widely accessible and provide immense opportunities for enjoyment. These range from the pleasures of the views of the World Heritage Site afforded from the battlements of Edinburgh Castle, to a visit to Kilmartin Glen, with its evocative remains of Scotland's prehistoric peoples. Throughout Scotland places of historic or architectural interest, in cities, towns, villages and the countryside, are readily accessible, very often on our doorstep. Scottish Ministers are committed to assisting the owners of such places across Scotland to promote and enable access to them.
- 1.47. Scottish Ministers believe that there needs to be greater awareness, knowledge and understanding of the historic environment. This needs to address lay, vocational, technical, professional, scientific and academic needs. Better understanding should inform interpretation, enabling people to understand the development of the historic environment and the significance of key monuments in Scottish history. A fuller evidence base will inform policy making and investment decisions.

Scotland's Historic Environment Audit

- 1.48. Scottish Ministers have established an ongoing, audit of Scotland's historic environment (see Note 1.6). Historic Scotland leads the audit process, which draws on current data and research about the historic environment. SHEA provides, in one place, basic facts and figures that are of practical use for the sector in managing the historic environment. The data can also be used by anyone with an interest in the historic environment. Scottish Ministers expect Scotland's Historic Environment Audit to play an important role in building the evidence base for policy-making.
- 1.49. Scottish Ministers want the Government and its agencies to participate in the audit and would encourage all other members of the sector, particularly local government, to take part, in particular through the provision of data.

Technical, professional and academic knowledge

- 1.50. The historic environment cannot be managed or cared for without a basic understanding of its nature and how it is changing. Scottish Ministers are committed to increasing and sharing knowledge more widely about the historic environment. They will undertake and promote research:
- a. on individual sites, buildings and landscapes through survey of various kinds, excavation and documentary research;
 - b. into older buildings to inform policies and strategies for maintenance and the supply of skills and materials;
 - c. into the economic value and impact of the historic environment, including its vital role in Scotland's tourist industry.
- 1.51. To support this, Ministers expect Historic Scotland to continue to extend and update their series of publications, both for expert and for more general audiences, and to continue to work in partnership with other bodies to develop accessible sources of information, knowledge and training about the historic environment. Examples of where this has already been successful include PASTMAP (see Note 1.7), the Historic Landuse Assessment Project, Technical Advice Notes and Practitioners Guides.

Access and educational initiatives

- 1.52. The Scottish Ministers recognise the value of the historic environment as a significant learning resource and look to Historic Scotland and other relevant bodies to encourage initiatives which support statutory formal education, further education and lifelong learning. Historic Scotland is at the forefront in promoting understanding of the historic environment to learners of all ages, welcoming some 100,000 learners each year as they take part in free educational visits to properties in the care of Scottish Ministers, and in promoting the historic environment as a resource to help deliver the Scottish schools' curriculum for pupils aged 3 to 18.
- 1.53. Scottish Ministers are committed to promoting access and enjoyment of the historic environment. They will continue to support a broad range of initiatives and projects such as:
 - a. working with local authorities to promote access to and understanding of the historic environment, to facilitate the integration of the historic environment with wider social justice, lifelong learning and capacity-building initiatives;
 - b. supporting Historic Scotland's aim of promoting intellectual and physical access for the nearly three million visitors a year to its properties in care by carefully balancing the requirements of the various Equality duties with the sensitivities and practical constraints of these culturally significant sites;
 - c. promoting access to information on the historic environment through the work of the Royal Commission on the Ancient and Historical Monuments of Scotland, and through developing and extending the PASTMAP website;
 - d. supporting the National Trust for Scotland in caring for some of Scotland's most important historic buildings and landscapes and working with the Historic Houses Association in Scotland and other bodies to promote the positive stewardship of the historic environment that is in private ownership;
 - e. working with The Lighthouse, Scotland's Centre for Design and Architecture, to explore the productive relationship between the historic and contemporary in architecture and environment;
 - f. supporting the voluntary heritage sector, which in turn supports local people in caring for and becoming involved in their historic environment.
- 1.54. Scottish Ministers will also seek out new ways of promoting and enabling access and understanding, for example by exploring opportunities for greater community involvement and the development of cultural tourism routes.

Interpretation

- 1.55. Scottish Ministers want to increase awareness and understanding of the historic environment and of Scotland's history. They recognise the value of a wider understanding of the significance of the historic environment, of connecting people to tangible evidence of their past, and its role in developing a confident national identity. Ministers have asked Historic Scotland to continue to develop new and innovative ways of presenting and interpreting the historic environment for a diverse range of visitors. Scottish Ministers expect Historic Scotland to continue to

develop good practice in interpretation in partnership with other interpretation providers in Scotland, supporting excellence in the heritage tourism portfolio.

RELEASING THE FULL POTENTIAL

- 1.56. Scottish Ministers recognise that the historic environment is one of Scotland's greatest assets – economic, cultural and social. It provides the setting for Scotland as an attractive place to invest in, visit, work and live. It is a generator of wealth in both urban and rural areas, capable of attracting millions of visitors to Scotland each year.
- 1.57. Scottish Ministers wish to stress the importance they place on the intrinsic value of the historic environment, as part of the embodiment of the nation's identity, and on the value of the historic environment for Scotland's social and cultural success.
- 1.58. Economic, social and cultural values come together in the important role the historic environment has in building, maintaining and regenerating communities.
- 1.59. Scottish Ministers see the historic environment as a vibrant and crucial asset in three key areas of economic activity.

Tourism

- 1.60. Tourism is one of the world's biggest and most resilient business sectors. It is also one of Scotland's largest industries and Ministers have endorsed challenging targets for growth over the next 10 years. Historic Scotland is a key player in the Scottish tourism industry, both as a provider of heritage visitor attractions and as an employer in rural and urban settings throughout the country. Research shows quite clearly that visitors to Scotland, particularly those from overseas, want to visit castles and other heritage attractions, and the important role played by tourist visits by Scots within Scotland must not be forgotten. Scottish Ministers expect Historic Scotland to work in partnership with the private and public sectors to maximise opportunities in the promotion of Scotland – both within and beyond the border – as a tourist destination. Ministers expect Historic Scotland, as the operator of some of Scotland's most popular visitor attractions, to continue to invest in improving what is offered to the visitor.

Building, supporting and regenerating communities

- 1.61. The historic environment has a key role to play in regeneration. Scottish Ministers want to build on past success and to see more regeneration projects that have a clear understanding of the cultural value of the historic environment, how it has developed over time, and how it can be used creatively to meet contemporary needs. Historic Scotland's Conservation Area Regeneration Scheme will be able to contribute to this process as will the City Heritage Trusts that are now established in all of Scotland's cities and supported by Scottish Ministers through Historic Scotland.

Construction industry

- 1.62. Scottish Ministers are committed to the support of the construction industry in its role in maintaining the historic environment. The care and maintenance of the historic environment is an important factor in the economic security of Scotland's construction industry. 33% of the industry's annual £9.6 billion turnover comes from the repair and maintenance of existing building stock, with an estimated £0.6 billion spent on pre-1919 buildings each year. Scottish Ministers have invested

£145 million in historic building repair grants since 1999, leveraging in a further £543 million from private, commercial and other public sources. This investment and expenditure supports employment across Scotland and has been important in retaining at least a base in the traditional skills required to repair and maintain the historic environment. Scottish Ministers believe that this investment is well-targeted and look to Historic Scotland to play a key role in helping to educate, train and inform owners, the professions, business and industry how they can best invest in the maintenance, repair and enhancement of their property.

Skills and materials

- 1.63. The sustainable management of the historic environment has an impact on the broader environment, as well as economic and social implications. For example, the use of locally-produced traditional building materials and skilled craftsmen, which are essential for maintaining the quality and diversity of the historic environment, brings benefits to the local economy. At the same time, repairing and using traditionally-constructed buildings using appropriate materials and labour from local sources reduces carbon emissions, the costs of transport and its harmful impact on the environment.
- 1.64. Scottish Ministers share the widespread concern about the maintenance and repair of older buildings:
 - a. traditional building construction and performance is not as well-understood as it should be, and the inappropriate use of modern materials and techniques have frequently been shown to be damaging, counter-productive or a waste of money;
 - b. traditional skills necessary for ensuring appropriate repair and maintenance – masonry, carpentry, roofing – are in decline, meaning that many repairs are carried out by tradesmen who do not have the necessary understanding of traditional construction techniques, or the required knowledge and experience;
 - c. materials necessary for appropriate repairs – such as slate and building stone – may be available locally but may be inaccessible. Inappropriate alternatives often have to be transported, unsustainably, from great distances.
- 1.65. Ministers will look to Historic Scotland to take the lead in addressing these issues, working in partnership with others in other parts of the Scottish Government and the wider public, industry, commercial, professional and voluntary sectors.
- 1.66. The management of the historic environment requires the use of natural resources, through, for example, conservation actions, such as access to and supplies of the materials used in the repair of structures; and through visitor activities, particularly the means of transport used. It is important that we try to understand and minimise the impact of such actions.
- 1.67. Scottish Ministers will work with partners – particularly local authorities and professional and industry lead-bodies – to address these issues, and will ensure that the Scottish Government takes a 'joined-up' approach to dealing with the problems and developing solutions.
- 1.68. There are other skills that Scotland must cultivate: the 'people' and organisational skills to promote Scotland's historic visitor attractions; the land management skills necessary to maintain the historic environment; the professional skills needed to investigate, understand and protect the historic environment.

CHAPTER 2: DESIGNATION

INTRODUCTION

- 2.1. This chapter sets out Scottish Ministers' policies on the designation of sites and structures which are particularly important features of the historic environment. It covers six statutory designations:
- **Ancient Monuments**, which are designated through *scheduling*;
 - **Buildings and other structures** which are designated through *listing*;
 - **Conservation Areas**
 - **Historic Marine Protected Areas**
 - **Gardens and Designed Landscapes**
 - **Historic Battlefields**
- 2.2. Historic Scotland is part of the Scottish Government and acts for Scottish Ministers. This chapter makes specific references to Historic Scotland where the agency has operational responsibility or where, in particular circumstances, contact should be made directly with Historic Scotland.

Scottish Ministers' general policies on designation

- 2.3. There are some policies that apply to all forms of designation relating to decision-making, transparency and communication. These are: that decisions on designation and removing a designation will be made on the basis of the best evidence available; that information on designated sites, structures and places and on the processes involved with designation will be made widely and easily available; and that all decisions relating to designation will be explained in clear language.

Scheduling

LEGAL AND ADMINISTRATIVE CONTEXT OF SCHEDULING

- 2.4. This section sets out Scottish Ministers' policy for the identification and designation of nationally important ancient monuments. This process plays an important part in the conservation of evidence for Scotland's past.
- 2.5. Ancient monuments offer a tangible, physical link with the past. They are a finite and non-renewable resource containing unique information and have the potential to contribute to increasing our knowledge of our past. Such remains are part of Scotland's identity and are valuable both for their own sake and as a resource for research, education, regeneration, leisure and tourism. The remains are often very fragile and vulnerable to damage or destruction and care must be taken to ensure that they are not needlessly damaged or destroyed.

- 2.6. The United Kingdom government is party to the European Convention on the Protection of the Archaeological Heritage (the 'Valletta Convention'; see Note 2.1), which places an obligation on States, under Article 2, to institute a legal system for the protection of the archaeological heritage, on land and under water.
- 2.7. The United Kingdom has had legislation in place to protect ancient monuments since 1882. Currently, nationally important monuments in Scotland are protected under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (see Note 2.2). The 1979 Act places a duty on the Scottish Ministers to compile, maintain and publish a Schedule (a list) of monuments. Once included in the Schedule, monuments have legal protection. Up-to-date information on monuments contained in the Schedule is available from Historic Scotland at www.historic-scotland.gov.uk/index/heritage/searchmonuments.htm or through visiting www.pastmap.org.uk
- 2.8. 'Monuments' are defined in the 1979 Act as (see Note 2.3):
- a. any building, structure or work, whether above or below the surface of the land, and any cave or excavation;
 - b. any site comprising the remains of any such building, structure or work or of any cave or excavation; and
 - c. any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other moveable structure or part thereof which neither constitutes nor forms part of any work which is a monument as defined within paragraph (a) above.
 - d. Any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.
 - e. any site (other than one falling within paragraph (b) or (c) above) comprising any thing, or group of things, that evidences previous human activity [see Annex 10].
- The definition of 'remains' includes any trace or sign of the previous existence of the thing in question (see Note 2.4).
- 2.9. To be scheduled, a monument must meet the Act's definition. A structure in use as a dwelling house cannot be scheduled as an ancient monument, nor can buildings in ecclesiastical use.
- 2.10. The process of scheduling under the terms of the 1979 Act is entirely separate from the process of listing under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (see Note 2.5).
- 2.11. The process of scheduling, 'descheduling' (removing a monument from the Schedule) and scheduled monument consent (the control of works affecting scheduled monuments) is undertaken on behalf of Scottish Ministers by Historic Scotland.
- 2.12. The sole legal criterion in the 1979 Act for inclusion in the Schedule is that a monument is of 'national importance' (see Note 2.6). After consultation, Scottish Ministers have determined what constitutes national importance and how it should be determined. The Criteria and Guidance they have developed are set out in Annex 1 (see Note 2.7).

- 2.13. Once a monument is scheduled, it becomes an offence to carry out, without the prior written consent of the Scottish Ministers (scheduled monument consent), any works which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument (see Chapter 3 and Note 2.8).
- 2.14. The scheduling process and the need for scheduled monument consent run in parallel with the statutory planning process, where planning permission is also necessary for any planned work. The protection of ancient monuments is a material consideration in the determination of planning applications.

SCOTTISH MINISTERS' POLICY ON SCHEDULING

- 2.15. The following principles, additional to those set out in paragraph 2.3 above, will underpin the scheduling process:
 - a. the past of all parts of Scotland is worthy of study and should be considered for conservation;
 - b. no part of Scotland's past and no part of Scotland's land is inherently more or less likely to produce monuments of national importance than another;
 - c. scheduling will be based on an appreciation of the regional character of Scotland's past, as reflected in its ancient monuments, and on the basis of an up-to-date set of criteria and guidance;
 - d. scheduling will be applied to monuments across Scotland in a consistent way;
 - e. monuments that no longer meet the criteria for national importance will be removed from the Schedule (descheduled);
 - f. owners and occupiers of land on which monuments lie, and the local authorities in which they are situated, will be consulted on proposals to add a monument to the Schedule, other than in exceptional circumstances;
 - g. scheduling will be an ongoing process that recognises that every generation will have its own view of what comprises its heritage;
 - h. scheduling is applied to secure the legal protection of monuments in the national interest. It is the intrinsic value of the monument to the nation's heritage that is the primary consideration in deciding whether or not a site shall be scheduled and in determining applications for scheduled monument consent.

IMPLEMENTATION OF POLICY ON SCHEDULING

- 2.16. Historic Scotland plays the lead role on behalf of Scottish Ministers in implementing policy on scheduling. In carrying out this work Historic Scotland will:
 - a. publish its operational policies on scheduling on its web site;
 - b. maintain the Schedule through a programme of review including, where necessary, updating scheduling documentation and maps, focusing on pre-1979 schedulings in the first instance;
 - c. add monuments to the Schedule in response to requests and as resources permit, especially types of monument or in areas of Scotland under-represented in the existing Schedule;

- d. ensure that information on scheduled monuments is made as widely available as possible, both to specialist users and to the general public; and
- e. keep the strategic and operational policies on scheduled monuments under review.

Listing

LEGAL AND ADMINISTRATIVE CONTEXT FOR LISTING

- 2.17. This section sets out Scottish Ministers' policy on listing: the process that identifies, designates and provides statutory protection for buildings of 'special architectural or historic interest'.
- 2.18. Historic buildings and structures are a highly visible and accessible element of Scotland's rich heritage. They cover a wide range of uses and periods, which together chart a great part of the history of Scotland. They affect all aspects of life, from education to recreation, to defence, industry, homes and worship. Much of Scotland's social and economic past and its present is expressed in these exceptional buildings. Listing recognises their historic importance. This in turn helps ensure that their potential for the study of history and for wider issues such as sustainability, community identity, local distinctiveness, and social and economic regeneration are all fully explored.
- 2.19. The listing process under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 set out here is entirely separate from that for scheduling under the terms of the Ancient Monuments and Archaeological Areas Act 1979 (see above and Note 2.5).
- 2.20. Most European countries have systems to protect and to control change on important historic buildings. The system in Scotland operates under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (see Note 2.9). Listing ensures that a building's special character and interest are taken into account where changes are proposed (see Note 2.10). The Scottish Ministers' lists are compiled for the purposes of the 1997 Act and for the guidance of planning authorities in the performance of their duties set out in the 1997 Act. The Act places a duty on Scottish Ministers to compile or approve lists of buildings of special architectural or historic interest (see Note 2.11). Up-to-date information on buildings on the list is available at <http://www.historic-scotland.gov.uk/index/heritage/historicandlistedbuildings.htm> Listing is the statutory process by which buildings are added to these lists. Once included on the lists the building – both exterior and interior – has statutory protection under the provisions of the 1997 Act. Listing is intended to safeguard the character of Scotland's built heritage and to guard against unnecessary loss or damage.
- 2.21. Any building or man-made structure may be considered for listing. In order to be listed under Section 1 of the 1997 Act any such building or structure must be of special architectural or historic interest. Other factors, such as condition, implications for future use or financial issues are not relevant in considering whether a building should be listed.
- 2.22. Any individual or organisation can propose buildings to Historic Scotland for listing. Buildings can be listed both routinely and in response to new development proposals which appear to threaten as yet unlisted buildings that could be of interest.

- 2.23. Consultation with appropriate persons or bodies with a special knowledge of, or interest in, buildings of special architectural or historic interest will be carried out before a building is listed (see Note 2.12). Consultation with owners is not a requirement under the Act although as a matter of courtesy Historic Scotland will normally consult owners on a proposed listing.
- 2.24. Historic Scotland, is required to inform the planning authority when a building is listed and the local authority is required to notify the owner, lessee and occupier. This will be done as soon as possible after listing takes effect (see Note 2.13).
- 2.25. Once Historic Scotland has decided to list a building or buildings it sends the revised List to the local planning authority (see Note 2.14).
- 2.26. A listing applies to any building within the curtilage of the subject of listing which was erected on or before 1 July 1948 (see Note 2.15). This could include many ancillary structures such as boundary walls, garages or estate buildings.
- 2.27. Any work which affects the character of a listed building or structure will require listed building consent (see Note 2.16). Applications for listed building consent are, in normal circumstances, dealt with by the planning authority (see Note 2.17). Any work carried out to a listed building without consent and which affects its character as a building of special architectural or historic interest, is an offence punishable by a fine or imprisonment.
- 2.28. There is no right of appeal against listing, but Historic Scotland may reconsider a subject's case for designation if a building has lost its special architectural or historic interest, for example through alteration. This may be because the building in question has been demolished or altered in such a way as to reduce its special architectural interest, or because an interested party or the owner, has demonstrated to the satisfaction of Scottish Ministers that the building is not of sufficient architectural or historical interest to merit listing.
- 2.29. Prior to, or at the same time as, formal notification by the local authority, the owners of newly listed or re-categorised buildings are supplied with key documentation and supporting material by Historic Scotland (see Note 2.18).

Certificates of intention not to list

- 2.30. Scottish Ministers may, on the application of any person, issue a certificate stating that they do not intend to list a building for a period of 5 years from the date of the issue of the certificate. This is known as a certificate of intention not to list. When such a certificate has been issued a planning authority may not for that period serve a building preservation notice in relation to the building, or affix such a notice to the building. A person submitting an application to Scottish Ministers for a certificate must at the same time give notice of the application to the planning authority within whose district the building is situated. Additional information about Scottish Ministers' policy in relation to certificates of intention not to list and the certificate of intention not to list process can be found in Annex 11.

SCOTTISH MINISTERS' POLICY ON LISTING

- 2.31. Listing is applied to afford protection, where possible, to buildings of special architectural or historic interest for future generations. The lists are compiled to give guidance to planning authorities in the course of their work by identifying buildings of special architectural or historic interest (see Note 2.19). They inform development, provide awareness of value and character and support the planning process.
- 2.32. Many buildings are of interest, architecturally or historically, but for the purposes of listing this interest must be 'special'. Listing is therefore assessed against a set of clear criteria which are set out in Annex 2.
- 2.33. The following principles, additional to those set out in section 2.3 above, underpin listing policy:
- a. the selection process is informed by a wide range of factors (see Annex 2) which help determine the level of special architectural or historic interest which the subject of listing may possess;
 - b. listing will follow the consistent application of clear criteria, as set out in Annex 2;
 - c. all aspects of Scotland's past are worthy of study and should be considered for listing;
 - d. listing will be based on an understanding of regional differences as expressed in Scotland's architectural and built heritage;
 - e. listing will be an ongoing process that recognises our changing level of knowledge and that every generation will have its own view of what comprises its heritage;
 - f. buildings less than 30 years old will normally only be considered for listing if found to be of outstanding merit and/or facing immediate threat.
- 2.34. Historic Scotland will consult the relevant local authority about a listing proposal or an amendment to the list. Historic Scotland will normally also consult with such other persons or bodies as appear as having specialist knowledge of or interest in buildings of architectural or historical interest. In addition, they will normally consult with the owner of the property.
- 2.35. Where anyone is making or is aware of proposals that might make changes to or lead to the demolition of a building that is not listed but may be of special architectural or historic interest, Scottish Ministers encourage them to contact Historic Scotland as early in the process as possible. This is to enable an assessment of the special interest of a building to ensure that resources are not wasted on abortive schemes.

IMPLEMENTATION OF POLICY ON LISTING

- 2.36. Historic Scotland implements Scottish Ministers' policy on listing. In fulfilling that duty the agency will:
- a. add to, re-categorise or remove subjects from the List through ongoing list maintenance, revision of topographic areas and through thematic surveys;

- b. use a range of techniques and mechanisms such as the Welcome Pack to make relevant information available as widely as possible and pursue a programme to tell people about the process and operational programmes of listing;
- c. publish and regularly update guidance on listing, particularly for the owners and occupiers of listed property;
- d. review operational programmes of work regularly in consultation with stakeholders;
- e. make its decision-making process transparent; and
- f. keep policy and process for listing under review.

Conservation Areas

LEGAL AND ADMINISTRATIVE CONTEXT

- 2.37. Conservation areas are defined as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. All planning authorities are required from time to time to determine which areas meet this definition and to designate them as conservation areas. Conservation areas embrace the urban and rural: from the historic cores of our cities to isolated rural settlements or landscapes there is a wide range of historic places which might be designated as a conservation area.
- 2.38. Scottish Ministers have the power to determine, after consultation with the planning authority, that an area should be a conservation area and to designate accordingly. This is a reserve power which will be used only exceptionally.
- 2.39. Once a planning authority has decided to designate a conservation area, notice of the designation must be published in the Edinburgh Gazette and at least one local newspaper (see Note 2.20).
- 2.40. Scottish Ministers, at the same time as the designation is advertised, must be notified formally of the designation of conservation areas and provided with a copy of the published notice, together with a copy of the designation map and a list of the street names (see Note 2.21).
- 2.41. Planning authorities may also vary or cancel conservation areas already designated (see Note 2.22).
- 2.42. Every planning authority is required to compile and keep available for public inspection a list containing appropriate information about any area in its district which has been designated as a conservation area.
- 2.43. Planning authorities have a duty to submit their proposals for the preservation and enhancement of conservation areas for consideration to a local public meeting and should, when preparing schemes of preservation and enhancement, seek the advice and views of local residents and amenity groups.