

Note 2.29 A copy of the UK Marine Policy Statement is available at:
<http://www.scotland.gov.uk/Resource/Doc/295194/0115242.pdf>

Note 2.30 Section 11 of the Historic Environment (Amendment) (Scotland) Act 2011 inserted a new sections 32A and 32B in the 1979 Act which created a new statutory duty for Scottish Ministers to compile and maintain an inventory of gardens and designed landscapes and an inventory of battlefields which are in their view of national importance. The section also provides that when including any grounds or battlefields in, or modifying, the inventories Scottish Ministers must inform the owner, and if the owner is not the occupier, the occupier of the grounds or battlefields in question and the local authority in whose area the grounds or battlefields are situated. The provision also provides that Scottish Ministers must send a copy of the entry to any person or local authority so informed. The new provision also sets out that Scottish Ministers must from time to time, and in a manner they think fit, publish a list of the gardens and designed landscapes and a list of battlefields included in the inventories.

Section 32 A and Section 32B of the 1979 Act define Gardens and Designed Landscapes and Battlefields as follows:

Gardens and Designed Landscapes: “references to gardens and designed landscapes are to grounds which have been laid out for artistic effect and, in appropriate cases, include references to any buildings, land, or water on, adjacent, or contiguous to such grounds”(Section 32A(2) of the 1979 Act).

Battlefields: “Battlefield” means an area of land over which a battle was fought; or and area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area). (Section 32B(2) of the 1979 Act).

NOTES TO CHAPTER 3

- Note 3.1. The text of the Act is available at www.statutelaw.gov.uk
- Note 3.2. Section 2 of the 1979 Act.
- Note 3.3. Historic Scotland has a leaflet about metal detecting which can be found at
www.historic-scotland.gov.uk/metal-detecting-2.pdf
- Note 3.4. The classes of activity that are deemed to have consent are:
- Class I certain agricultural, horticultural or forestry works;
 - Class II works executed more than 10m below ground level by the Coal authority or their licensees;
 - Class III certain works by the British Waterways Board;
 - Class IV certain repair or maintenance works to machinery;
 - Class V certain works urgently necessary for health and safety;
 - Class VI certain works of archaeological evaluation;
 - Class VII certain works executed under Agreements under section 17 of the Act (management agreements);

Class VIII certain works grant-aided under section 24 of the Act;

Class IX certain works undertaken by the Royal Commission on the Ancient and Historical Monuments of Scotland.

Note 3.5. Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 section 55: www.statutelaw.gov.uk

Note 3.6. The application process is set out in the Ancient Monuments and Archaeological Areas (Applications for Scheduled Monuments Consent) (Scotland) Regulations 2011. Application forms are available from Historic Scotland and can be downloaded from the agency's website.

Note 3.7. 1979 Act, Schedule 1, Pt I, paragraph 3(2).

Note 3.8. Only around 13% of scheduled monument consent applications are associated with a planning application. The rest relate to processes not covered by the planning system.

Note 3.9. Or where works are urgently necessary in the interests of health and safety (section 2(9) of the Ancient Monuments and Archaeological Areas Act 1979).

Note 3.10. These provisos are made because of experience in the 1960s to 1980s, when a large backlog of unpublished excavations developed; see G J Barclay & O Owen 'Historic Scotland's Backlog Project and the Projects Database', *Proceedings of the Society of Antiquaries of Scotland*, vol 125 (1995), 1–8, which can be accessed at:
http://ads.abds.ac.uk/catalogue/adsdata/arch-352-1/dissemination/pdf/vol_125/125_001_008.pdf

Adequacy of resources will be determined on the basis of the scale and complexity of the project. It would be expected that an applicant for consent to excavate a nationally important monument will have completed and published projects of a comparable scale and complexity, and not have a backlog of unpublished fieldwork. Scheduled monuments are a small, nationally-important, proportion of Scotland's archaeological heritage, and should only be excavated by experienced archaeologists.

Note 3.11. Currently, Scottish Planning Policy (as published on 4 February 2010) deals with listed buildings, conservation areas, World Heritage Sites, historic gardens, designed landscapes and their settings, and sets out the role of the planning system in protecting ancient monuments and archaeological sites and landscapes.

Note 3.12. To assist the Royal Commission in its task of selecting buildings which merit recording, it would be helpful if planning authorities could, when notifying demolition applications, include brief details of the building to include all unlisted buildings except ecclesiastical buildings in use as such, although this exemption may shortly be varied by order, scheduled monuments and buildings excepted by the direction of Scottish Ministers.

NOTES TO CHAPTER 4

Note 4.1. The legal effect of guardianship is set out in section 13 of the Ancient Monuments and Archaeological Areas Act 1979. The Act can be accessed at: www.statutelaw.gov.uk Section 13 of the 1979 Act details the specific duty to maintain the monuments and to exercise proper control and management.

The legal effect of guardianship of land in the vicinity of an ancient monument is set out in section 15 of the 1979 Act.

Access is regulated under section 19: subject to section 13(2A) and 15(3A) of the 1979 Act the provisions of this section, the public shall have access to any monument under the ownership or guardianship of the Scottish Ministers.

Section 19 empowers Scottish Ministers to control and regulate access by:

- a. setting the times of normal public access (what constitutes 'normal' is not defined by the Act, thereby enabling Scottish Ministers and Historic Scotland on their behalf to take account of a variety of considerations including location, the fragility of the monument and visitor safety);
- b. charging admission;
- c. excluding the public from all or any part of a monument in the interests of safety or of the maintenance or preservation of the monument;
- d. prohibiting or regulating any act or thing which would tend to injure or disfigure a monument or to disturb the public in their enjoyment of it;
- e. refusing admission to anyone where there is reasonable cause to believe they will injure or disfigure a monument or its amenities, or are likely to disturb the public enjoyment of it.

Note 4.2. Historic Scotland's collecting policy is set out in its operational policy paper *Acquisition and Disposal of Collections* (revised 2009). Formally adopted by Historic Scotland's senior management team in December 2009, it regulates the way in which the Agency collects and disposes of items from its extensive collections of historic objects and archaeological artefacts. The adoption and implementation of this policy is a requirement of the Museum Accreditation scheme endorsed by the Department of Culture Media and Sport and operated in Scotland by Museums Galleries Scotland. Historic Scotland was awarded Full Accreditation status in July 2010. Its collecting policy will undergo formal review in 2013.

Note 4.3. For the vast majority of Properties in Care, which are scheduled monuments, under Section 2 of the 1979 Act.

NOTES TO CHAPTER 5

Note 5.1. For custodians of listed properties, there is an ongoing programme of recording and briefings for the local fire and rescue service running in Scotland. It seeks to ensure that any response to an incident takes into account the layout of the building and peculiarities of the site. This might include voids, structural details and hazards that might be encountered during a response. Although the project does not deal with the sensitive issue of building contents, features of historical significance are identified, such as ornate plasterwork ceilings.

Note 5.2. Government advice on the disposal of historic assets is available at: www.culture.gov.uk/images/publications/Disposal_Historic_report.pdf

ANNEX 1: CRITERIA FOR AND GUIDANCE ON THE DETERMINATION OF 'NATIONAL IMPORTANCE' FOR SCHEDULING

PREAMBLE

1. The Ancient Monuments and Archaeological Areas Act 1979 provides for the scheduling of ancient monuments, the sole criterion being that they are of national importance. A definition and operational guidance on how to determine whether or not a monument is of national importance was approved by the (former) Ancient Monuments Board for Scotland in 1983. The criteria and guidance set out here are an updated version that takes account of the development of treaty, charter and practice in the UK and abroad and was also informed by a consultation exercise carried out in 2004. While based on the 1983 text, it also reflects the principles originally published in the Stirling Charter (2000), and now set out in paragraphs 1.14 to 1.16 above. These have been informed by, and build on, the body of international conservation charters already in being. One of the most influential of these is the Burra Charter (current edn 1999), which introduced the now widely accepted concept of 'cultural significance'. While taking into account national and international developments, this revised guidance has been prepared with the welfare of Scotland's archaeological and built heritage in mind. The primary aim of this document is to provide guidance in determining whether monuments are of national importance.

ROLE OF HISTORIC SCOTLAND

2. The process of scheduling is undertaken on behalf of Scottish Ministers by Historic Scotland. Historic Scotland is an executive agency directly accountable to Scottish Ministers with the remit of protecting Scotland's historic environment. The selection of monuments and the scheduling process is undertaken by professional staff within Historic Scotland applying the policies, criteria and guidance set by Scottish Ministers.

CULTURAL SIGNIFICANCE

3. The first step in considering whether a monument is of national importance is to identify and understand its cultural significance. The concept of 'cultural significance' will apply widely and to different degrees to all of Scotland's historic environment, and should not be confused with the establishment of 'national importance', which is a separate process. For a monument or a class of monuments to be considered as being of national importance it must, first, have a particular cultural significance – artistic; archaeological; architectural; historic; traditional (factors listed in the 1979 Act); aesthetic; scientific; social – for past, present or future generations. Such significance is inherent in the monument itself, its fabric, setting, use, associations, meanings, records, related monuments and related objects.

4. For most of Britain's and Scotland's past, there are no 'national' prehistories or histories, as reflected in the historic environment. Instead, there is an aggregation of related prehistories and histories of different regions, which may have wider national or international links. It is through these linked regional histories and prehistories that the history of Scotland and the UK can be understood.
5. Cultural significance of any monument, whether of national importance or more local significance, can be characterised by reference to one or more of the following; the characteristics are in three groups:

- Intrinsic** – those inherent in the monument;
- Contextual** – those relating to the monument's place in the landscape or in the body of existing knowledge; and
- Associative** – more subjective assessments of the associations of the monument, including with current or past aesthetic preferences.

Intrinsic characteristics

- a. the condition in which the monument has survived. 'Condition' includes the potential survival of archaeological evidence above and below ground, and goes beyond the survival of marked field characteristics;
- b. the archaeological, scientific, technological or other interest or research potential of the monument or any part of it;
- c. the apparent developmental sequence of the monument. Monuments that show a sequence of development can provide insights of importance, as can places occupied for a short time;
- d. the original or subsequent functions of the monument and its parts.

Contextual characteristics

- e. The present rarity or representativeness of all or any part of the monument, assessed against knowledge of the archaeology of Scotland and of the region in which the monument occurs;
- f. the relationship of the monument to other monuments of the same or related classes or period, or to features or monuments in the vicinity. This is particularly important where individual monuments, themselves perhaps of limited immediate significance, form an important part of a widespread but varied class. The diversity of the class should be a material consideration in making individual decisions;
- g. the relationship of the monument and its parts with its wider landscape and setting.

Associative characteristics

- h. The historical, cultural and social influences that have affected the form and fabric of the monument, and vice versa;
- i. the aesthetic attributes of the monument;
- j. its significance in the national consciousness or to people who use or have used the monument, or descendants of such people; and

- k. the associations the monument has with historical, traditional or artistic characters or events.
6. Understanding of cultural significance may change as a result of the continuing history of the monument, or in the light of new information, or changing ideas and values.

NATIONAL IMPORTANCE

- 7. The primary purpose of scheduling under the 1979 Act is the preservation of, and control of works on, monuments, the survival of which is in the national interest. The provisions of the 1979 Act are consistent with the principles of minimal intervention to ensure that the characteristics that make a monument of national importance are preserved as far as possible in the state in which it has come down to us, and is passed on to future generations in as unchanged a state as is practicable, in accord with the principles of sustainable development. In general, those principles will only be set aside in circumstances where wider considerations are deemed, on balance, to be of greater importance to the national interest, rather than to any sectoral or local interest; in individual cases such considerations may include the needs of research into Scotland's past.
- 8. It should be noted that no period 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.
- 9. The purpose and implications of scheduling are issues that require to be taken into consideration when assessing monuments for scheduling. Scheduling may not be the only, or the most appropriate, mechanism to secure the future of all sites, even those that may otherwise meet the criteria.
- 10. The particular significance needed to define the monument as of 'national' importance may be established in terms of one or more of the following:
 - a. its inherent capability or potential to make a significant addition to the understanding or appreciation of the past;
 - b. its retention of the structural, decorative or field characteristics of its kind to a marked degree;
 - c. its contribution, or the contribution of its class, to today's landscape and/or the historic landscape;
 - d. the quality and extent of any documentation or association that adds to the understanding of the monument or its context;
 - e. the diminution of the potential of a particular class or classes of monument to contribute to an understanding of the past, should the monument be lost or damaged; and
 - f. its place in the national consciousness is a factor that may be considered in support of other factors.

ANNEX 2: CRITERIA FOR DETERMINING WHETHER A BUILDING IS OF 'SPECIAL ARCHITECTURAL OR HISTORIC INTEREST' FOR LISTING

1. The criteria can only provide a framework within which professional judgement is exercised in reaching individual decisions.
2. To be listed, a building need not be functioning for the purpose originally intended. For example, a redundant railway viaduct may have continued its life as a walkway or cycle path, even a wildlife sanctuary.
3. The principles of selection for statutory listing are broadly:
 - a. age and rarity;
 - b. architectural or historic interest;
 - c. close historical associations.

AGE AND RARITY

4. The older a building is and the fewer of its type that survive the more likely it is to present a special interest. Age is a major factor in the evaluation process but its weight differs across the building types. Period definitions are given to facilitate the assessment but these are not intended to be watersheds or cut-off points.
5. All buildings erected before 1840 (pre-Victorian and the arrival of the railways) which are of notable quality and survive predominantly in their original form have a strong case. The year 1840 was selected because of the change which followed, in terms of the greater standardisation of materials and design, improved communications and the birth of the architectural press.
6. Buildings put up between 1840 and 1945 which are of special architectural or historic interest and of definite character either individually or as part of a group may be listed. As the survival rate increases after 1914, greater selectivity will be applied to take account of lesser rarity and relative age.
7. Those erected after 1945 may merit inclusion on the lists if their special architectural or historic interest is of definite architectural quality.
8. The listing of buildings less than 30 years old requires exceptional rigour because those making the judgement do not have the advantage of a long historical perspective. Threats to building types are often a trigger for advance consideration of buildings from this period.

ARCHITECTURAL OR HISTORIC INTEREST

9. Selection for architectural or historic interest is assessed under a range of broad headings, summarised below.
10. *Interior:* Interior design and fixed decorative schemes of houses or business premises in all their variation can add to the case for listing. Examples include skirting boards, plasterwork, dado rails, chimney-pieces, staircases, doors and over-door panels, ornate radiators, floor grilles, sanitary ware, the existence of box-beds, vaulted basement or wine cellar divisions, slate shelving, servant bell systems, shop or pub fittings and fixed internal machinery.
11. *Plan Form:* The internal planning of buildings is instructive and can be ingenious although it may not be evident on the exterior. For example, the original flatting arrangement in terraced houses and tenements may not be obvious from the street and the plan of a farm steading, hospital or prison may reflect the latest theories in the design of each of these structures and therefore give the property additional significance.
12. *Technological excellence or innovation, material or design quality:* Evidence of structural or material innovation adds weight to a decision. Exceptional structural form can be significant and is found across the wide variety of building types from a cruck-framed barn to an early iron-framed jute mill or steel-framed office block. Exceptional use of materials or use of fine material may be a factor. Style will be considered against relevant conventions particularly for its quality or exceptional interest.
13. *Setting:* The context in which a structure sits can be a critical factor in its evaluation. It invariably accounts for its form and should not be under-rated. A structure whose setting has changed adversely, removing the original contextual character, or which has been removed from its context, has one less factor in support of its case for designation.
14. *Regional Variations:* The best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. It is important to ascertain distinctive regional variations in type, material and form.

CLOSE HISTORICAL ASSOCIATION

15. Close associations with nationally important people, or events whose associations are well-documented, where the physical fabric of the building is also of some quality and interest, can be a significant factor. In consideration of such cases the association must be well authenticated and significant. The fabric should reflect the person or event and not merely be a witness to them. Local traditions are not always trustworthy. In most cases the building in question will have other qualities which combine to give it special interest, such as Walter Scott's house in Castle Street, Edinburgh, which forms part of a fine classical terrace. Where architectural interest is weak the case for listing on historical association must be strong. The building must be well preserved in a form and condition which directly illustrates its historical associations with the person or event in question. The transient association of short term guests, lodgers and tenants, however eminent, will not usually justify listing.

WORKING WITH THE PRINCIPLES

16. In choosing buildings within the above broad principles:
 - a. particular attention is paid to the special value within building types, either for architectural or planning reasons, or as illustrating social and economic history;
 - b. a building may be listed for its contribution to an architecturally or historically interesting group, such as a planned burgh, town square or model village as well as its intrinsic merit considered in isolation;
 - c. the impact of vernacular buildings in particular is often made not only by individual buildings but by their grouping. At the other end of the spectrum, a major country house may well be enhanced by adjacent buildings such as stables, lodges, gatepiers and bridges in its curtilage, and vice versa;
 - d. authenticity, that is a building's closeness to the original fabric and therefore its ability to convey its significance, and levels of integrity, carries weight. It need not be the case that a building is as originally built, because changes made to it may have added to its significance. What is added or taken away will be considered for the overall benefit or detriment to its character.
17. It is important to stress that when buildings are being considered for listing, no factors other than architectural or historic interest as defined above can be taken into account. The condition of a property, for example, is not a factor in the evaluation unless it detracts significantly from the architectural or historic interest so that it can no longer be defined as special.

ANNEX 3: CRITERIA FOR THE DESIGNATION OF A CONSERVATION AREA

1. It is the character or historic interest of an area created by individual buildings and open spaces and their relationship one with the other which the legislation covering conservation areas seeks to preserve.
2. The statutory definition is 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' and conservation areas will inevitably be of many different kinds.
3. The principles of selection for designation as a conservation area are broadly as follows:
 - a. areas of significant architectural or historic interest in terms of specific listed buildings and/or ancient monuments;
 - b. areas of significant architectural or historic interest in terms of building groupings, which may or may not include listed buildings and/or ancient monuments, and open spaces which they abut;
 - c. areas with features of architectural or historic interest such as street pattern, planned towns and villages and historic gardens and designed landscapes;
 - d. other areas of distinctive architectural or historic character.
4. In designating a conservation area, thought should also be given to the reasons why it is felt that it should be protected. These may include:
 - a. its special architectural and historic importance;
 - b. its distinct character;
 - c. its value as a good example of local or regional style;
 - d. its value within the wider context of the village or town;
 - e. its present condition and the scope for significant improvement and enhancement.

ANNEX 4: CRITERIA FOR AND GUIDANCE ON THE DETERMINATION OF 'NATIONAL IMPORTANCE' FOR THE DESIGNATION OF HISTORIC MARINE PROTECTED AREAS

1. These criteria are adapted from those for the scheduling of ancient monuments as being of 'national importance' under the terms of the Ancient Monuments and Archaeological Areas Act 1979. The intention is to keep the two sets of criteria as close together as possible.

Cultural Significance

2. The first step in considering whether an asset is of national importance is to identify and understand its cultural significance. The concept of 'cultural significance' will apply widely and to different degrees to all of Scotland's historic environment, and should not be confused with the establishment of 'national importance', which is a separate process. For an asset to be considered as being of national importance it must, first, have a particular cultural significance – artistic; archaeological; architectural; historic; traditional; aesthetic; scientific; social – for past, present or future generations. Such significance is inherent in the asset itself, its nature, setting, use, associations, meanings, records, related assets and related objects.
3. Cultural significance of any asset, whether of international, national importance or more local significance, can be characterised by reference to one or more of the following; the characteristics are in three groups:

Intrinsic – those inherent in the asset;

Contextual – those relating to the asset's place in its wider physical environment or in the body of existing knowledge; and

Associative – more subjective assessments of the associations of the asset, including with current or past aesthetic preferences.

Intrinsic characteristics

- a. The condition in which the asset has survived. 'Condition' includes potential survival of archaeological evidence, and goes beyond the survival of marked field characteristics;
- b. the archaeological, architectural, historic, scientific, technological or other interest or research potential of the asset or any part of it;
- c. the original or subsequent functions of the asset and its parts; and,
- d. the apparent developmental sequence of the asset.

Contextual characteristics

- e. The present rarity or representativeness of all or any part of the asset, assessed against knowledge of the history and archaeology of Scotland, its seas, and their place in the wider world;
- f. the relationship of the asset to others of the same or related classes or period, or to features or other assets in the vicinity. This is particularly important where individual assets, themselves perhaps of limited immediate significance, form an important part of a widespread but varied class. The diversity of the class should be a material consideration in making individual decisions;
- g. the relationship of the asset and its parts with its wider physical environment and setting.

Associative characteristics

- h. The historical, architectural, cultural and social influences that have affected the form and fabric of the asset and vice versa;
 - i. the aesthetic attributes of the asset;
 - j. its significance in the national or international consciousness or to people who use or have used the asset, or descendants of such people; and
 - k. the associations that asset has with historical, traditional or artistic characters or events.
4. Understanding of cultural significance may change as a result of the continuing history of the asset, or in the light of new information, or changing ideas and values.

National Importance

5. The relationship of marine historic assets to the adjacent land can be complex and variable. Some elements may have been integral parts of adjacent landmasses, now inundated. In the case of wrecks or material associated with wrecks of vessels or aircraft, some have strong and far reaching connections; others may have a transitory association but little or no original link to the places in which they have come to rest. The determination of national importance is to encompass consideration for such assets which may be important beyond Scotland.

6. The primary objectives of Historic MPA designation are to help preserve marine historic assets of national importance and to celebrate and communicate their heritage value so that everyone can appreciate these assets and act responsibly.
7. The purpose and implications of each designation are issues that require to be taken into consideration when assessing candidates for designation. Designation may not be the only, or the most appropriate, mechanism to secure the future of all assets, even those that may otherwise meet the criteria.
8. The particular significance needed to define the asset as of 'national' importance may be established in terms of one or more of the following:
 - a. its inherent capability or potential to make a significant addition to the understanding or appreciation of the past;
 - b. its retention of the structural, technical, decorative or other characteristics of its kind to a marked degree;
 - c. its contribution, or the contribution of its class to the marine historic environment and/or the wider marine environment;
 - d. the quality and extent of any documentation or association that adds to the understanding of the asset or its context;
 - e. the diminution of the potential of a particular class or classes of asset to contribute to an understanding of the past, should it be lost or damaged; and
 - f. its place in the national or international consciousness is a factor that may be considered in support of other factors.

ANNEX 5: CRITERIA FOR DETERMINING WHETHER A GARDEN OR DESIGNED LANDSCAPE IS OF 'NATIONAL IMPORTANCE' FOR INCLUSION IN THE INVENTORY

1. Sites are assessed for their:
 - a. value as individual works of art in their own right;
 - b. historic value;
 - c. horticultural, arboricultural or silvicultural value;
 - d. architectural value;
 - e. scenic value;
 - f. nature conservation value; and,
 - g. archaeological value.
2. Their current condition and integrity are also important considerations.
3. The relative importance of a site depends on the extent to which each value is expressed. A site may have outstanding value, high value, some value, little value or no value.
 - a. A site has **outstanding** value as a work of art if, in its present form:
 - (i) it was considered to be have such value in contemporary views etc. at one or more stages of its history or, if it became a significant trendsetter for later works;
 - (ii) it is an important example of the work of a particular designer or designers. It might have rarity value if the designer executed few schemes or it might be particularly representative, intact or a key work.
 - b. A site has outstanding historic value if:
 - (i) there is good contemporary documentary and physical evidence of its development;
 - (ii) it is, as a whole, an **outstanding** representative of a particular period of the historic development of gardens and designed landscapes;
 - (iii) it has one or more components which provide an outstanding example of a particular period or style; and,
 - (iv) it was a trendsetting landscape at some stage in its history;

- (v) it has physical evidence of a particularly early form of designed landscape; and,
 - (vi) it has strong associations with an important historic personality.
- c. A site has **outstanding** horticultural, arboricultural or silvicultural value if:
- (i) it has an outstanding collection of plants shrubs or trees with a wide range of species, unusual species or rarities, which are in good condition and being renewed;
 - (ii) it has an **outstanding** scientific collection of plants, shrubs or trees which are in good condition, documented, propagated and made available to others;
 - (iii) it has an important place in the history of horticulture or arboriculture; and,
 - (iv) it demonstrates important pioneering steps in silviculture.
- d. A site has **outstanding** architectural value if:
- (i) it provides the setting for a building or buildings of outstanding architectural or historic interest;
 - (ii) it contains architectural features or ornamentation which, together, are of exceptional interest.
- e. A site has **outstanding** scenic value if:
- (i) it makes a major contribution to the quality of the surrounding landscape by virtue of its size, location or nature or, because it is particularly prominent because of rarity and contrast with the surrounding landscape.
- f. A site has **outstanding** nature conservation value if:
- (i) it contains habitats which are officially designated as, for example, Sites of Special Scientific Interest.
- g. A site has **outstanding** archaeological value if:
- (i) it provides the setting for or contains scheduled monuments.
4. Evaluation and grading of sites can be a sensitive issue. Decisions on the relative importance of different sites must be based upon consideration of the ways in which the values noted above are expressed. Generally, the greater the number of outstanding or high values the more important the site. However, exceptionally, sites may be of such significance for one value that they too must be regarded as of national importance.
5. The condition of the site today and its overall integrity are important elements of the selection process. They become significant issues when the condition of site, and therefore its integrity, is such that its interest has become devalued to the degree that it cannot be regarded as of national importance in today's terms.

ANNEX 6: CRITERIA FOR DETERMINING WHETHER A BATTLEFIELD IS OF 'NATIONAL IMPORTANCE' FOR INCLUSION IN THE INVENTORY

1. The criteria below provide a framework for identifying battlefield sites of national importance.
2. A battlefield is likely to be of national importance if it makes a contribution to the understanding of the archaeology and history of the nation as a whole, or have the potential to do so, or holds a particularly significant place in the national consciousness. In this context the concept of national includes the linked regional histories and pre-histories through which the development of Scotland as a nation can be understood. A site will be of more local significance where its contribution or potential lies in understanding the archaeology and history of a specific area.
3. In considering whether a site merits inclusion in the Inventory, a battlefield must be considered of national importance in relation to one or more of the following factors:
 - a. association with historical events or figures of national significance;
 - b. significant physical remains and/or archaeological potential; and,
 - c. battlefield landscape.

In addition, the following criterion must be met in every case:

- d. capable of definition on a modern map.

ASSOCIATION WITH HISTORICAL EVENTS OR FIGURES OF NATIONAL SIGNIFICANCE

4. The historical association of battlefields relates to the contribution of the battle to historical developments, including military history, of significance to the nation as a whole. Key considerations will be whether there were significant military innovations or occurrences associated with the battle, in terms of tactics or technology; and the association of the battle with a nationally significant historical figure, event or campaign. Consideration may also be given to the place of the battle in the national consciousness where this appears particularly significant.

SIGNIFICANT PHYSICAL REMAINS AND/OR ARCHAEOLOGICAL POTENTIAL

5. This relates to the specific qualities of a battlefield in the form of surviving physical remains associated with the battle and the archaeological potential of the battlefield. Archaeological evidence can amplify documentary records and provide details about events, weaponry and combatants that are not available through other sources. Evidence may include physical features that were present at the time of the battle, whether natural elements such as hills or ravines, or constructed elements such as field walls or buildings; elements resulting from the battle itself, including earthworks, graves and artefacts such as bullets, arrowheads and personal effects; other buried archaeological deposits, such as the remains of camps or entrenchments. The quality of surviving documentary and historic map evidence relating to the battle may add to the importance of the site by enhancing its potential to contribute to our understanding of historical events.
6. The potential survival and quality of evidence may be affected by a range of factors, including the period within which the battle took place, the scale of the battle, numbers of fallen, the physical properties of any upstanding remains, artefact scatters or buried deposits, the soil conditions and post-battle land-use.

BATTLEFIELD LANDSCAPE

7. The landscape context of the battlefield is important in view of the fact that battles were seldom fought in small clearly-defined areas, but were more often events ranging across a wider landscape. It is important for understanding military tactics strategic planning and the importance of key features such as vantage points and lines of sight, and for explaining why events unfolded as they did. The battlefield landscape includes the area where the armies deployed and fought initially; the wider landscape where significant associated events occurred, including secondary skirmishes, associated earthworks, camps and burials, and lines of advance and retreat; and additional elements such as memorials that may be detached from the main areas of the battle.
8. The association of a landscape with a battle can be very strong and a battlefield can contribute fundamentally to our sense of place even when no physical evidence is present or visible or the character of the landscape context has been affected by post-battle changes.

DEFINITION ON A MODERN MAP

9. To merit inclusion it is essential to identify the location of the site and map indicative boundaries based on informed interpretation of available knowledge. Sites that cannot be defined in this way will not be included in the Inventory. However, they may be considered for inclusion when sufficient evidence for their accurate location becomes available.
10. The Inventory includes a description and indicative map of the battlefield landscape. This is the overall area of interest within which events of the battle occurred, and include both the main focus of fighting and the wider area within which additional events are likely to have occurred. The initial focus of fighting is the area where the armies initially arrayed and where the most concentrated fighting took place. However, it is not always possible to identify this area accurately, and in some cases there are alternative options which are equally valid on the basis of current knowledge. The wider area includes zones of secondary fighting or skirmishes, lines of advance and retreat, associated earthworks and camps, burials and memorials. In some cases, battle memorials or other features associated with the battle which lie outside the defined battlefield landscape may be highlighted in the Inventory for their relevance to the battlefield and its subsequent history.

ANNEX 7: RELATIONSHIP OF SCHEDULED MONUMENT CONSENT TO PLANNING CONSENT

1. Scheduled monument consent and planning permission are two quite separate statutory requirements, governed by different laws which serve different purposes. What is material to one decision will not necessarily be material to the other. Both are required where 'works' defined in section 2(2) of the Ancient Monuments and Archaeological Areas Act 1979 are also 'development' defined in section 26 of the Town and Country Planning (Scotland) Act 1997. Consent granted under one regime is without prejudice to the other. Where both are required, the applicant must obtain both consents before work can commence.
2. The purpose and objectives of the planning system are set out in Scottish Planning Policy (SPP) 2010. Paragraph 118 of SPP on scheduled monuments and designated wrecks confirms that the preservation of scheduled monuments, *in situ* and within an appropriate setting, is a material consideration in both the development planning and the development control processes.
3. Scheduled monument consent and planning permission are both required where works/development would have a direct impact on the legally protected area of the monument, as defined in the scheduling documents. However, the provisions of the Ancient Monuments and Archaeological Areas Act 1979 do not extend beyond that. In the case of impact on the setting of the monument, securing the preservation of the monument 'within an appropriate setting' as required by national policy is solely a matter for the planning system. Whether any particular development will have an adverse impact on the setting of a scheduled monument is a matter of professional judgement. It will depend upon such variables as the nature, extent, design of the development proposed, the characteristics of the monument in question, its relationship to other monuments in the vicinity, its current landscape setting and its contribution to our understanding and appreciation of the monument. More detail about how to assess setting is provided in Historic Scotland's guidance note *Managing Change in the Historic Environment: Setting* (October 2010).
4. The role of the planning system in the protection of both the site and the setting of scheduled monuments is reflected in the statutory consultation requirements set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, and in the notification requirements of the Town and Country Planning (Notifications of Applications) (Scotland) Direction 1997.

ANNEX 8: LISTED BUILDING CONSENT PROCESSES

WHEN IS LISTED BUILDING CONSENT REQUIRED?

1. Where a planning authority considers that proposed works would not affect a listed building's character, it may indicate to an applicant that listed building consent is not required. If a planning authority judges that listed building consent is needed, the applicant must prepare drawings and any other related documents as required. The scope of the information required will vary considerably depending on the circumstances of the case.
2. Listed building consent is also not required in the following circumstances:
 - a. for works to objects or structures erected within the curtilage of a listed building since 1 July 1948 and not physically attached to the building;
 - b. for works of alteration or extension to ecclesiastical buildings in use as such;
 - c. for works to buildings which are scheduled as monuments and protected by the Ancient Monuments legislation, although consent under the terms of that legislation will almost certainly be required (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 55); and,
 - d. for erection of a free-standing building in the curtilage of a listed building. Exceptionally, however, a proposal to build a substantial new structure extremely close to the listed building, but not physically attached, which the planning authority considers would be clearly out of character with the building or its setting could be regarded as constituting an alteration or extension to the listed building. Therefore it may be subject to listed building control. However, when considering a planning application for development within the curtilage of a listed building a planning authority must take into account the impact on its setting. It must also take account of alterations to any buildings within its curtilage (see Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 59).
3. Applications for listed building consent are determined by the planning authority, unless the local authority is itself the applicant, in which case Historic Scotland would consider the proposal on behalf of Scottish Ministers. Where any application proceeds to public local inquiry the final decision is taken by Scottish Ministers.
4. Under section 14(2) of the 1997 Act, in the determination of an application for listed building consent, the planning authority is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

5. If a planning authority is minded to grant listed building consent affecting a an A or B listed building, the application is automatically passed to the Scottish Ministers, who have a statutory 28-day period (unless extended) in which to decide whether to call in the application for their own decision. Scottish Ministers are advised by Historic Scotland in such cases. Applications for listed building consent which are refused by a council's planning committee are not referred to the Scottish Ministers. In such cases, and in instances where listed building consent is granted subject to conditions which the applicant considers unreasonable, the applicant may appeal to Scottish Ministers. During the lifetime of this SHEP Historic Scotland will be exploring the selective removal of the need to notify Historic Scotland in certain kinds of listed building consent casework.
6. Section 55(2) (further amendment of the listed buildings Act) of the Planning etc. (Scotland) Act 2006 ("the 2006 Act") amended section 13 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("the 1997 Act"). As a result , Scottish Ministers can direct that certain specified descriptions of applications for listed building consent will no longer require to be notified to them under section 12 of the 1997 Act. A number of local authorities are now operating under the Listed Buildings and Conservation Areas (Removal of Duty to Notify) (Scotland) Direction 2008. Under this Direction, decisions on applications for specified works to B-listed buildings are not required to be notified to Scottish Ministers.

SETTING

7. Under section 59(1) of the 1997 Act the planning authority, in determining any application for planning permission for development that affects a listed building or its setting, is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
8. Planning authorities must consult Scottish Ministers in respect of applications under the Town and Country Planning (Scotland) Act 1997 that affect a category A listed building or its setting (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008).

DEMOLITION

9. Listed building consent is required for the demolition of a listed building. Demolition means the destruction, or substantial destruction, of the whole building. Less significant dismantlings are regarded as works of alteration and potentially requiring listed building consent. The question of whether a proposal falls into the category of demolition or alteration is ultimately one of fact and degree, and requires careful consideration by the planning authority.

EXEMPTIONS

10. Under the terms of section 54 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 any ecclesiastical building which is for the time being used for ecclesiastical purposes in Scotland is exempt from the need to apply for listed building consent. The exemption for ecclesiastical buildings does not cover the demolition of a listed ecclesiastical building, since by definition ecclesiastical use must cease before demolition is carried out. Neither does it apply to any works to a former ecclesiastical building which has passed into secular use or which is disused. Exemption does not apply to a building used or available for use by a minister of religion as a residence. Similarly, listed churchyards taken over by local authorities as graveyards are not exempt from the requirement to obtain listed building consent for works to those graveyards.
11. Notwithstanding the exemption, there is a voluntary arrangement currently in place and agreed by Historic Scotland, the Scottish Churches Committee and COSLA, in consultation with the Scottish Society of Directors of Planning. Under this arrangement it was agreed to apply listed building control to buildings used by certain denominations in respect of works proposed to the exterior of churches in ecclesiastical use. The following denominations only, being members of the Scottish Churches Committee, are included:

Associated Presbyterian Churches

Baptist Union of Scotland

Church of Scotland

Free Church of Scotland

Free Presbyterian Church

Methodist Church in Scotland

Roman Catholic Church in Scotland

Scottish Episcopal Church

United Free Church of Scotland

United Reformed Church Scotland Synod (formerly Scottish Congregational Church)

MISCELLANEOUS

12. Certain permitted development rights do not apply within the curtilage of listed buildings. This means that planning permission is required for minor forms of development such as erecting fences, walls, gates or small sheds.
13. From 12 June 2006 the Crown has had to obtain listed building consent for works to a listed building.
14. In some cases buildings or structures are both scheduled monuments and listed. In such cases anyone wanting to undertake works which affect or cover the monument need apply only for scheduled monument consent. The application is made to Scottish Ministers, and the relevant parts of the listed buildings legislation do not apply. Where planning permission for development work is sought in respect of a building which is both scheduled and listed the planning authority must still consider whether it will affect the listed building's setting. If it thinks it would, it must advertise the application. The relationship between the scheduled monument consent and planning system is set out in Annex 6.



ANNEX 9: LISTED BUILDING CONSENT AND PLANNING PERMISSION

1. Listed building consent and planning permission are two quite separate statutory requirements governed by different laws which serve different purposes. Both are required where development defined in section 26 of the Town and Country Planning (Scotland) Act 1997 is to be undertaken. Consent granted under one regime is without prejudice to the other. Where both are required the applicant must obtain both before work can commence.
2. The purpose and objectives of the planning system are set out in SPP. Following from that, paragraph 113 of Scottish Planning Policy confirms that the preservation of listed buildings and their setting is a material consideration in both the development planning and development management processes.

ANNEX 10: AMENDED MEANING OF 'MONUMENT' UNDER THE 1979 ACT

1. Section 61(7)(d) of the 1979 Act extends the range of monuments that can be designated under the 1979 Act to “any site comprising any thing, or group of things, that evidences previous human activity”.
2. This provision allows for the protection of nationally important archaeological remains which could not be described as a ‘building’, ‘structure’ or ‘work’ and which were therefore not eligible for scheduling under the 1979 Act prior to its amendment by the 2011 Act.
3. In particular this provision will allow for the scheduling of coherent groups of artefacts of national importance, commonly termed ‘artefact scatters’. The amendment is important because such artefact scatters are almost the sole surviving evidence for activity during the first 7,500 or so years of human occupation in Scotland.
4. It is anticipated that an extremely small number of nationally important sites will come under section 61(7)(d) of the 1979 Act. Provisional estimates on the basis of existing archaeological information suggest there are around 10 nationally important sites, which are currently afforded no protection under the 1979 Act, that would be scheduled as a result of this provision.
5. Examples of the possible types of artefact scatter which could be considered for scheduling as a result of the amendment are:
 - scatters of stone and flint tools and the debris from their manufacture, which mark the sites of some of the earliest evidence for human occupation in Scotland;
 - nationally important archaeological deposits not associated with other physical remains of a settlement or structures. An example would be midden material rich in artefactual and palaeoenvironmental evidence, especially shell middens, which again are often the only remains of some of the earliest evidence for human occupation in Scotland;
 - debris from metal working indicative of a significant industrial site of early or later medieval date; or
 - later medieval pottery indicative of a kiln or other significant pottery production site.

It is important to stress that the remains must form a coherent entity or group to be of national importance.

6. This would exclude, for example:

- an area which had produced a range of chronologically and functionally diverse artefacts as a result of ploughing or metal detecting, which inhibits characterisation or definition of the importance of the site; or
- palaeoenvironmental deposits within a waterlogged area or peat bog, which may contain information relating to human impact on the landscape but are primarily of natural formation.

ANNEX 11: THE 'CERTIFICATE OF INTENTION NOT TO LIST' PROCESS

1. Section 5A of the 1997 Act allows Scottish Ministers to issue a certificate stating that they do not intend to list a building.
2. A certificate of intention not to list is a certificate which will guarantee that a building will not be listed during the five years from the date of the issue of the certificate. Anyone can apply for a certificate and there is no fee.
3. If a certificate is issued a planning authority cannot serve a Building Preservation Notice on the property during the five year period from the date of issue of the certificate.
4. Where consideration of a case leads to the conclusion that a building should be listed, a new list entry will be created in the normal way and a certificate will not be issued.

The application and assessment process

5. The certificate of intention not to list process will be handled by Historic Scotland on behalf of Scottish Ministers and processed the same way as an application for listing. Applicants must complete a specific application form (available from Historic Scotland) and all applications for a certificate will be assessed against the listing criteria set out in Annex 2 of the SHEP (criteria for determining whether a building is of special or historic interest for listing).
6. If a building is found to support a case for listing, 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. However, Historic Scotland will not seek comments on applications for a certificate of intention not to list unless the building in question meets the listing criteria and Historic Scotland is minded to list the property.
7. Local authorities and owners (if not the applicant) shall be notified in writing at the same time a certificate is issued.

Timescales

8. Historic Scotland will seek to reach a decision on applications for a certificate of intention not to list within 8 weeks. Decisions to grant a certificate will be made as quickly as possible where the building concerned clearly does not meet the criteria for listing.

9. Likewise, where it looks likely that a building might well meet the listing criteria the aim is to issue a rejection of an application for a certificate within the same 8 week period. Thereafter, as the process for a building to be entered on the statutory list involves more detailed preparation and consultation, an actual listing entry will take longer to materialise. But the applicant will have been provided with the certainty which is sought.
10. This timescale is an indicator of best practice rather than a requirement due to the possible constraints of a site, notably:
 - the complexity of the site/subject;
 - time needed to get *sufficient* access to the site if more than one owner; and
 - the time taken to get access to specialist material, advice or opinion, as required.

Additional Information

11. Historic Scotland shall maintain a publicly researchable register of buildings that have been granted a certificate of intention not to list.
12. Historic Scotland will apply the test of reasonableness to any request. Any unduly sizeable request will result in a careful discussion with the owner and will be completed in stages if appropriate.
13. Historic Scotland will not issue expiry notifications for certificates of intention not to list. This provision aims to harmonise with planning legislation in which planning authorities do not issue expiry notifications for planning permission or listed building consent.
14. Certificates do not secure immunity from the designation of a conservation area. Even if a certificate is granted, consent will still be required for the demolition of a building if it is in a conservation area (see Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997).
15. For sites comprising of more than one building, some buildings may be listed and others granted a certificate.
16. Where a certificate has already been issued it will be possible to apply for another certificate before the five years of the original certificate has expired. Any such application will be subject to the same assessment procedure as new applications. It cannot be assumed that a certificate will be issued automatically in such cases since the circumstances may have changed since the issue of the original certificate particularly if there is new evidence about the building.

Policies

Countryside and Landscape

POLICY ENV.1 **COUNTRYSIDE AND PROTECTED AREAS**

- 1 There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.**
- 2 The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.**

- 5.3 Existing Local Plans identify the boundaries between urban areas and the countryside. To protect the amenity of the countryside, the aim is generally to confine built development to the urban areas, unless it can be demonstrated that it is essential for the development to be located in the countryside or it is an appropriate form of agricultural diversification. Examples of acceptable forms of development would include agricultural buildings, forestry related development, mineral workings, rural based tourism and recreation projects, telecommunications, renewable energy proposals etc. Where it is established that a countryside location is essential the proposal will also be assessed against any other policies appropriate to specific areas and to ensure that the scale, siting and design of any proposal minimises its visual impact. These will be set out in the relevant Local Plan.

- 5.4 Within this broad area of countryside, and overlapping with it, there are specific areas, designated for particular purposes. These are set out in Schedule Env.1 and Env.3 below. Areas of Great Landscape Value relate to 3 areas which are considered to have particular landscape qualities where greater attention needs to be paid to protection and enhancement. The Green Belt relates to the urban fringe and is intended to ensure that there is a separation between, and a setting for, the main urban settlements in the Council area. They are also a focus for recreation and landscape enhancement (see Policy Env.6). Historic Gardens, Prime Quality Agricultural Land and the nature conservation areas (see Schedule Env.3) are intended to protect a particular kind of resource. The detailed definition of these areas and the policies applicable within them will be set out in the relevant Local Plan.

- 5.5 Map 2 sets out the Council's Indicative Forestry Strategy. It indicates those areas which will be sensitive for proposals for forestry and areas where forestry would be preferred. It provides only broad guidance and at a site specific level there may be other issues that have to be taken into account. It is based on the Indicative Strategy used in the previous Central 2000 Structure Plan and will be reviewed as necessary particularly with regard to any changing needs as a result of the development of the Central Scotland Forest.

POLICY ENV.2 **GREEN BELT**

There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.

Schedule ENV.1: Strategic Countryside and Landscape Protection

Type of Protected Area	Purpose/Function	General Locations
Countryside	Protection of open countryside.	As defined in Local Plans.
Area of Great Landscape Value	Protection of quality landscapes. (see Local Plan Policies)	Avon Valley Denny Hills Bo'ness South
Green Belt	To separate and provide a setting for settlements with opportunities for recreation. Priority area for enhancement.	Between Falkirk & Larbert. Between Falkirk & Carronshore. Between Grangemouth & Polmont/Laurieston. East of Stenhousemuir. Between Bo'ness & Polmont/Linlithgow Between Falkirk & Grangemouth Between Falkirk & Bonnybridge Between Denny & Bonnybridge Callendar Park and Wood. Between Bo'ness & Grangemouth.
Parks / Gardens in the Inventory of Historic Gardens and Designed Landscapes	Protection of historic landscapes.	Dunmore Park The Pineapple Callendar House
Prime Quality Agricultural Land	To protect an important land resource.	As defined in Local Plans.
Preferred Areas for Forestry Planting	To indicate areas where there are presumptions for or against forestry planting.	As set out in the Council's Indicative Forestry Strategy (see Map 2).

5.6 A key aim of the overall Development Strategy is to identify, protect and enhance the areas key environmental assets. One aspect of this is maintaining the identity of the individual communities that make up Falkirk Council area by preventing coalescence and protecting their landscape setting.

5.7 The areas of urban fringe around the settlements of Falkirk Council area experience strong pressures for development, which have been contained in particular key locations by the Green Belt. It is intended that protection will continue to be afforded to the identity and setting of settlements by a system of Green Belts.

5.8 It will be for Local Plans to define the detailed boundaries of Green Belts. In order to ensure the long term robustness of such boundaries, a balance will have to be struck between containment and growth needed to fulfil the Development Strategy. Particular regard will need to be given, where appropriate, to the Strategic Development Opportunities referred to in Policy ECON.1 and Schedule ECON.1.

Food and Drink

5.79 Pubs, restaurants, hot food takeaways and cafes form an important component of the local economy, and contribute to tourism and the vitality and viability of centres. However, they can pose amenity issues where located adjacent to residential properties.

5.80

Policy TC04 Food and Drink

1. Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in locations where they are capable of fulfilling a tourism function.
2. Proposals must demonstrate that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirement are satisfied.
3. Temporary consent for mobile snack bar vans may be granted where a specific need is demonstrated, and there is no adverse impact on local amenity or the visual quality of the locality.

The Green Network Landscape

5.81 The Falkirk area has a varied landscape, whose quality is important to the setting of settlements, and the area's image and identity. Areas of Great Landscape Value (AGLVs) identify the most important local landscapes (Denny Hills, Slamannan Plateau/Avon Valley and South Bo'ness). However, in line with the European Landscapes Convention, there is a need to recognise the value of all landscapes within the area, and to take account of this in assessing development proposals. An updated landscape character assessment of the area has been prepared providing the basis for Supplementary Guidance SG09 'Landscape Character and Assessment'.

5.82

Policy GN02 Landscape

1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character and Assessment'.
2. Priority will be given to safeguarding the distinctive landscape quality of the Areas of Great Landscape Character identified on the Proposals Map.
3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.



Countryside & Green Belt

The Countryside

3.18 Although perceived to be mainly urban in character, the Falkirk area has an extensive and varied countryside, whose open and relatively undeveloped nature contributes to its character and identity. It is also a place where people live and work, which has to adapt to economic change. The SPP encourages development plans to support more opportunities for small scale housing developments in rural areas. However, high accessibility to the main employment centres of the central belt creates pressure for commuter housing in the countryside which will not necessarily benefit the rural economy.

3.19 The countryside will continue to be defined by reference to a system of Urban and Village Limits. The strategy of the Local Development Plan will be to direct new housing development in the rural areas to the existing villages, in order to sustain their vitality and take advantage of village services and infrastructure. However, there will be circumstances where development in the countryside will be appropriate.

3.20

Policy CG01 Countryside

The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.

Green Belt

Green belt forms an important part of the spatial strategy for the area, its primary purpose in the Falkirk area, being to safeguard the identity of communities by preventing development which would reduce their visual separation. It provides a stronger presumption against development than the 'countryside' designation, and a more long term indication of the future shape of settlements than the Urban Limits. It forms a series of connected wedges or corridors between the main settlements. The protection of landscape setting and greenspace around towns are important related objectives.

3.21

3.22

Policy CG02 Green Belt

1. The following areas, as indicated generally on Map 3.1 and detailed on the Proposals Map, are designated as Green Belt:

- Falkirk/Stenhousemuir/Grangemouth/Laurieston Corridor
- Polmont/Grangemouth/Bo'ness/Linlithgow Corridor
- Falkirk/Larbert/Denny/Bonnybridge Corridor
- Callendar Park/Woods

2. The purpose of the Green Belt is:

- To maintain the separate identity and visual separation of settlements
- To protect the landscape setting of settlements; and
- To protect and give access to greenspace for recreation

3. Within the Green Belt, development will not be permitted unless it can be demonstrated that the proposal satisfies the relevant countryside policies, and it can be demonstrated that it will not undermine any of the strategic purposes of the Green Belt as set out in sub section (2) above.



Countryside

Development in the Countryside

5.62 The countryside is defined as those areas outwith the Urban and Villages Limits, as set out in Policy CG01 of the Spatial Strategy. The criteria for assessing housing and business proposals in the countryside are set out in Policies CG03 and CG04. Detailed guidance on the interpretation and application of these policies is contained within Supplementary Guidance SG01 Development in the Countryside. It should be noted that proposals that lie in the Green Belt will additionally have to meet the terms of Policy CG02 contained within in the Spatial Strategy.

5.63

Policy CG03 Housing in the Countryside

Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;
2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;
3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;
4. Appropriate infill development;
5. Limited enabling development to secure the restoration of historic buildings or structures; or
6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.

5.64

Policy CG04 Business Development in the Countryside

Proposals for business development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

1. Areas specifically identified for business development on the Proposals Map;
 2. Business development, including appropriate leisure and tourism uses, where a need for a countryside location is demonstrated, or the development constitutes an appropriate form of farm diversification;
 3. Proposals involving the re-use of industrial, commercial or institutional land or premises, or the conversion of farm buildings for business use; or
 4. Limited extensions to existing established business in the countryside;
- Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.



Housing Design and Residential Amenity

5.8 The scale of residential growth planned for the area over the period of the plan will have a significant impact on how communities look and feel. It is important that new housing is well designed so that this impact is a positive one. Smaller scale change in residential neighbourhoods, whether through small infill developments, proposals for non-residential uses or simple extensions or alterations to properties, must also be managed so as to maintain residential amenity.

Policy HSG04 Housing Design

The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Housing Layout and Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.

5.10

Policy HSG05 Infill Development and Subdivision of Plots

Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:

1. The scale, density, disposition and design of the proposed houses respect the townscape character of the area;
2. Adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;
3. Adequate privacy will be afforded to both the proposed houses and neighbouring properties;
4. The proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;
5. The proposed vehicular access, parking and other infrastructure is of an adequate standard for both proposed and existing houses; and
6. The proposal complies with other LDP policies.

5.11

Policy HSG06 Non-Residential Uses in Residential Areas

Within established residential areas, the introduction of uses which would be incompatible with the residential character and amenity of the area will generally not be permitted. Proposals for appropriate community services (e.g. surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided.

5.12

Policy HSG07 House Extensions and Alterations

Extensions and alterations to houses will be permitted where:

1. The scale, design and materials are sympathetic to the existing building;
2. The location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and
3. It will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, unacceptable loss of off-street parking, or road safety issues.

Proposals should comply with the detailed guidance on these criteria set out in the Supplementary Guidance SG03 'House Extensions and Alterations'.



5.114

Policy D10 Conservation Areas

The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

1. New development in Conservation Areas should not erode the character and appearance of the Conservation Area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.
2. The layout, design, materials, scale, siting and use of any development affecting an unlisted building in a Conservation Area, including extensions, replacement windows, doors, roofs, rainwater goods, boundary treatments and other features, should respect the character and appearance of the original building, and should conform to Supplementary Guidance SG16 'Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas'.
3. Demolition of unlisted buildings within Conservation Areas which make a positive contribution to the special character and appearance of the area will only be supported where:
 - the existing building is incapable of physical repair and re-use, as shown by the submission and verification of a thorough structural condition report; or
 - the costs of repair and re-use are such that it is not economically viable. Supporting evidence should include a full economic appraisal, evidence that grant aid is not able to meet any funding deficit, and evidence that the building has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a restoring purchaser; or
 - the demolition of the building is essential for the delivery of significant economic benefits for the local or wider community; and
 - proposals for redevelopment of the site contribute to the character and appearance of the conservation Area.

Existing buildings shall be retained on site until the redevelopment commences.

5.115

Policy D11 Areas of Townscape Value

The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:

1. The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and
2. Development proposals will be required to fit with the distinctive character of the area with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.

5.116

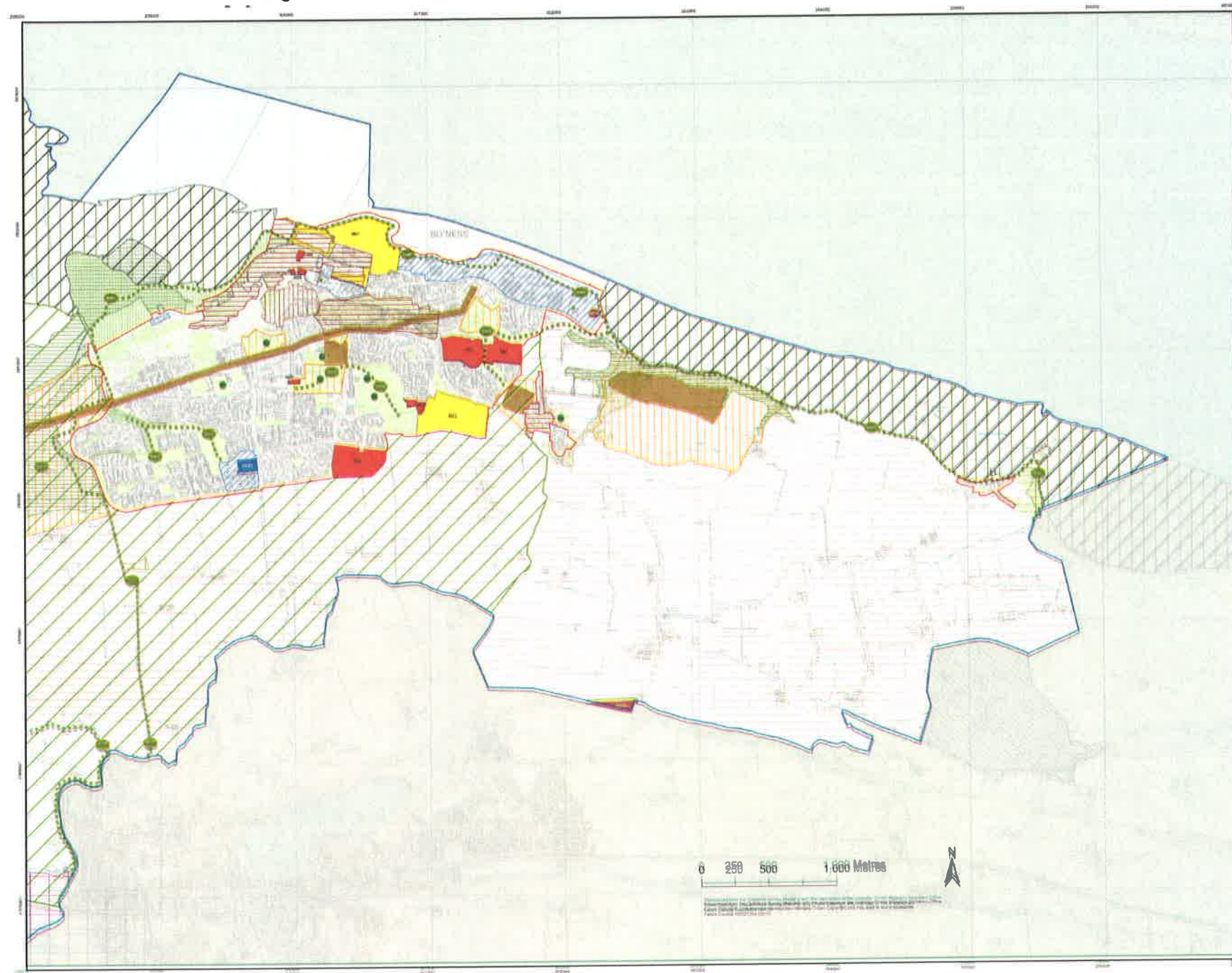
Policy D12 Historic Gardens and Designed Landscapes

1. There will be a presumption against development which would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland', as identified on the Proposals Map.
2. The value of other historic gardens and designed landscapes not listed in the Inventory will be given due weight in the planning process, having regard to their historical significance, integrity and condition. Non-inventory sites will be identified within Supplementary Guidance SG09 'Landscape Character and Assessment'.
3. The Council will seek to encourage sensitive restoration and management of historic gardens and designed landscapes.

5.117

Policy D13 Battlefield Sites

There will be a presumption against development outwith the Urban or Village Limits which would destroy, erode, or adversely affect battlefield sites listed in the Inventory of Historic Battlefields, as identified on the Proposals Map. In assessing impacts, guidance provided in the relevant Historic Scotland guidance note will be followed. Proposals for the sensitive management and interpretation of battlefield sites will be supported.

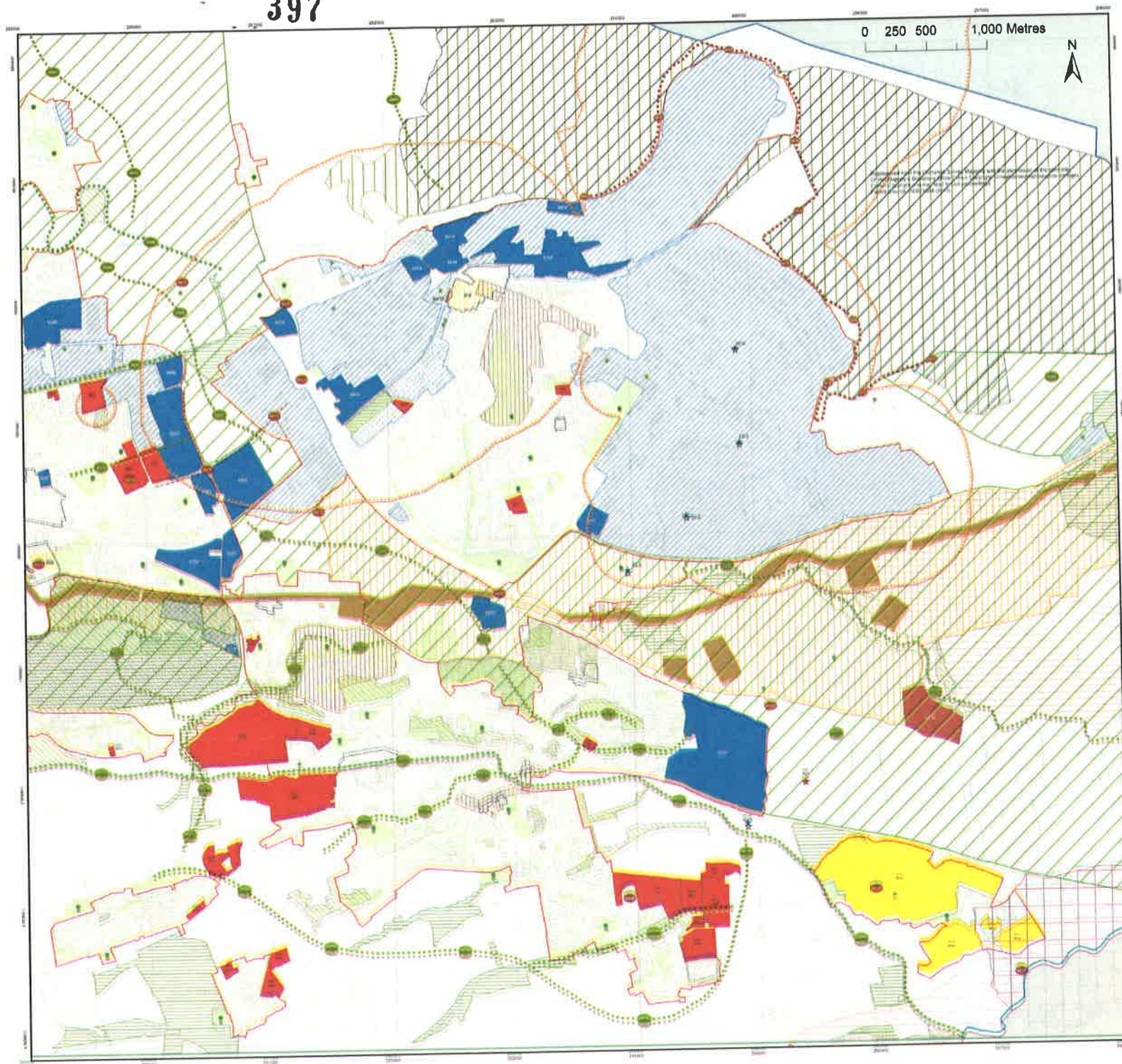


**Map 6 : Bo'ness
Blackness and Muirhouses**



**Falkirk Local Development Plan -
Proposed Plan (April 2013)**

- Key**
- Falkirk Council Boundary
- Policies - Countryside & Green Belt**
- Urban/Village Limit (UDL)
 - Green Belt (GB)
- Policies - Open Space**
- Open Space (OS)
 - Playing Fields (PF)
- Policies - Business & Major Hazards**
- Core Business Areas (CBA)
 - Business Areas with Potential for Redevelopment (BAR)
 - Regeneration Zone (RZ)
- Policies - The Green Network**
- Areas of Local Landscape Value (ALLV)
 - Special Protection Areas (SPA)
 - Site of Special Scientific Interest (SSSI)
 - Watershed Sites (WS)
 - Site of Importance for Nature Conservation (SINC)
 - Local Nature Reserves (LNR)
 - Tree Preservation Order (TPO)
- Policies - Town Centres and Retailing**
- Town Centre Local Core Reserves (TCRC)
- Policies - The Historic Environment**
- Antiques and Monuments Sites (AMS)
 - Antiques and Monuments Sites Buffer Zone (AMS-BZ)
 - Conservation Areas (CA)
 - Areas of Townscape Value (ATV)
 - Battlefield Sites (BS)
- Policies - Waste**
- Waste Management Facilities (WMF)
- Proposals/Opportunities**
- Homeing
 - Mixed Use
 - Economic Development
 - Infrastructure
 - Falkirk Green Network



Map 5 : Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats & Whitcross



Falkirk Local Development Plan - Proposed Plan (April 2013)

Key

Falkirk Council Boundary

Policies - Countryside & Green Belt

Urban Fringe Limit (C061)

Green Belt (C062)

Policies - Open Space

Open Space (NP03)

Playing Fields (NP04)

Policies - Business & Major Hazards

Core Business Areas (BUS02)

Business Areas with Potential for Redevelopment (BUS03)

Industrial Development Zone (BUS04)

Major Hazard Contamination Zone (BUS05)

Policies - The Green Network

Areas of Great Landscape Value (GLV02)

Special Protection Area (SPA01)

Set of Special Scientific Interest (SSSI01)

Nature Scenery (GLN03)

Set of Importance for Nature Conservation (GLN04)

Tree Preservation Order (TPO01)

Policies - Town Centres and Housing

Falkirk Local Centre Boundaries (FC01/FC02)

Policies - The Historic Environment

Antiques and Historic Walled Area (H01)

Antiques and Historic Walled Area Buffer Zone (H02)

Conservation Area (H03)

Area of Townscape Value (H04)

Historic Gardens and Designed Landscapes (H05)

Historic Sites (H06)

GLV03 (H07)

Policies - Waste

Waste Management Facilities (W01)

Proposals/Opportunities

Planning

Waste

Business Development

Infrastructure

Health

Open Space

Local Centre Opportunity Area