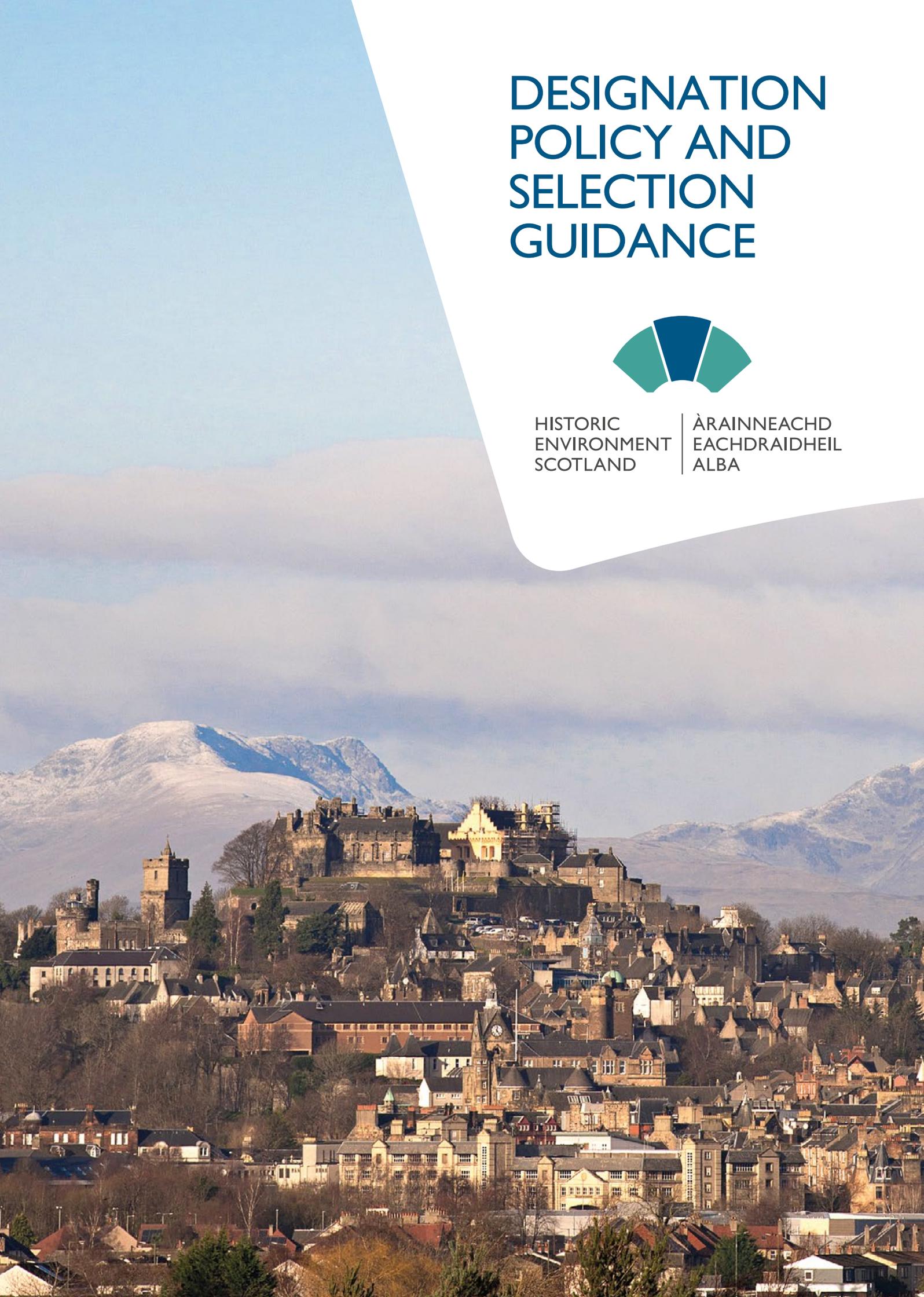


DESIGNATION POLICY AND SELECTION GUIDANCE



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA



CONTENTS

Introduction	4	Local designations and other forms of recognition	8
What is designation	4	Annex 1: Scheduled monuments	9
Who is responsible for designation	5	Annex 2: Listed buildings.....	11
Policy and principles for designation	6	Annex 3: The inventory of gardens and designed landscapes	14
How we do our work.....	6	Annex 4: The inventory of historic battlefields.....	17
How we assess sites and places	7	Annex 5: Historic marine protected areas	20
Development proposals and designation	7	Sources of further information	23
Our decisions	8		



© Historic Environment Scotland 2019

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit <http://nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Cover image: General view of Stirling

Any enquiries regarding this document should be sent to us at:

Historic Environment Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH
+44 (0) 131 668 8600
www.historicenvironment.scot

You can download this publication from our website at www.historicenvironment.scot

DESIGNATION POLICY AND SELECTION GUIDANCE



Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.

Scotland's historic environment is intrinsic to our sense of place and strong cultural identity. It is diverse, but collectively it tells the story of our shared past. It is important in its own terms, providing key evidence of the lives and creativity of our forebears. It also helps to create a sense of place, identity and physical and social wellbeing, and benefits the economy, civic participation, tourism and lifelong learning. It is dynamic and ever-changing and that dynamism lies at the heart of the need for sound principles of stewardship.”

(OUR PLACE IN TIME)

Introduction

This document sets out the policy and selection guidance used by Historic Environment Scotland (HES) when we designate historic sites and places at the national level.

This document stands alongside the [Historic Environment Policy for Scotland \(2019\) \(HEPS\)](#). It aims to deliver the vision and objectives of the Historic Environment Strategy for Scotland *Our Place in Time* (2015), the National Outcomes, and national planning policies.

What is designation

Designation is the legal recognition of some of our most important historic sites and places. Through designation, we seek to ensure that the cultural, social, environmental and economic value of Scotland's historic environment makes a strong contribution to the development and wellbeing of the nation and its people.

Designation ensures that sites and places are recognised by law through the planning system and other regulatory processes. The level of protection and how a site or place is managed varies depending on the type of designation and its laws and policies.

The law sets out that HES can designate sites and places as long as they meet certain legal requirements. These requirements are brief, so we have developed the following policy and selection guidance to help in deciding what can be designated. It has been developed using research and consultation, taking into account previous policy documents about how the historic environment should be recognised and protected.



Who is responsible for designation

Historic Environment Scotland is responsible for designating sites and places at the national level.

These national designations are:

- **Scheduled monuments**
- **Listed buildings**
- **Inventory of gardens and designed landscapes**
- **Inventory of historic battlefields**

We make recommendations to the Scottish Government about **historic marine protected areas**, and the Scottish Ministers decide whether to designate.

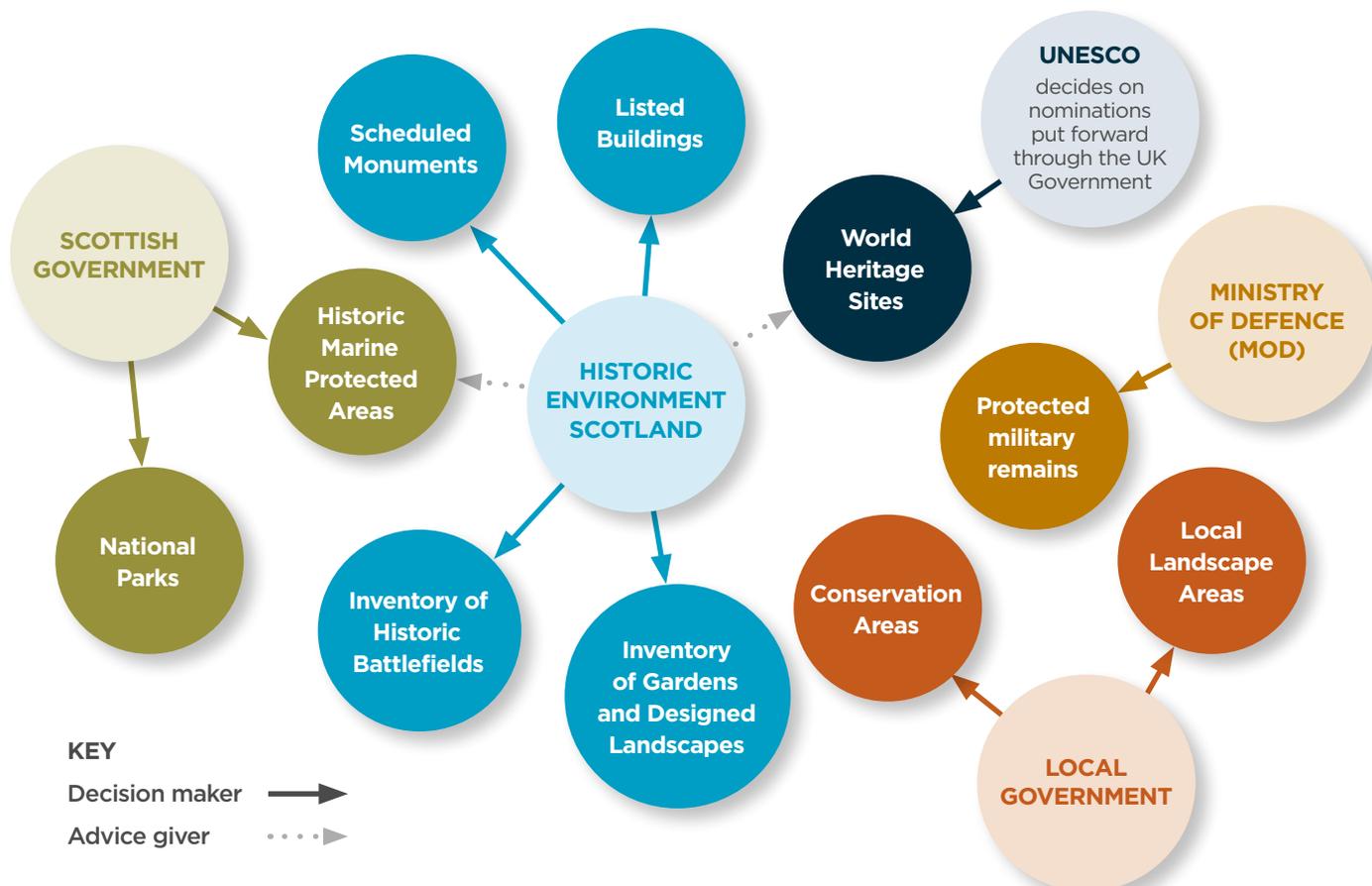
We use the word 'designate' when talking about all designations. If we are talking about listed buildings or scheduled monuments specifically, we will normally say 'list' or 'schedule'. For gardens and designed

landscapes and battlefields, we often say 'include on the Inventory'.

Local authorities are responsible for designating areas of special architectural or historic interest as conservation areas. By law, Historic Environment Scotland may also designate **conservation areas**, but we would only consider doing so in the most exceptional circumstances. Our website has further information about designating a conservation area.

Designation of **World Heritage Sites** is by UNESCO, who inscribe them on the World Heritage list. Nominations are put forward through the UK Government. On behalf of Scottish Ministers we advise parties preparing their nominations, once those parties have secured their site a place on the UK Tentative List. Our website includes further information about [World Heritage Sites](#).

Who is responsible for designation



Policy and principles for designation

Our designation work is underpinned by the policies and principles set out in HEPS. The four policies and related principles most relevant to designation are set out below:

HEP1: Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

Principles:

- Recognising the cultural significance of sites and places supports good decision-making.
- A place must be understood in order for its cultural significance to be identified.
- A wide range of factors contributes to cultural significance.
- Knowledge and information about the historic environment is critical to the understanding of our past, present and future.
- The historic environment changes over time, and so does how it is understood and appreciated.
- Research, discussion and exchange of ideas can all contribute to our understanding of the historic environment.
- Understanding will improve when information is made widely available and everyone has the opportunity to contribute to knowledge of the historic environment.

HEP2: Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.

Principles:

- Good decisions are well informed, transparent, robust, consistent and proportionate.
- Caring for the historic environment benefits everyone, now and in the future.

HEP5: Decisions affecting the historic environment should contribute to the sustainable development of communities and places.

Principle:

- Everyone has a stake in the historic environment and how it is looked after.

HEP6: Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.

Principle:

- Everyone has a stake in the historic environment and how it is looked after.

How we do our work

We carry out designation work by:

- adding, reviewing, amending and removing designations
- making minor changes to existing designation records that don't alter what is legally designated

Our priority for designation is to provide an up-to-date understanding of sites or places to aid decision-making about potential change. We do this by:

- responding to external designation requests
- improving the quality of our designation records and spatial data
- undertaking designation projects which address gaps in our understanding of sites or places
- developing partnerships by planning and undertaking our projects with the participation of stakeholders

Any person or organisation can request:

- the designation of a site or place
- the review of an existing designated site or place
- the removal of an existing designation
- minor changes to designation records
- a Certificate of Intention Not to List (COINTL)

The [application form](#) for all of these requests is available on our website.

How we assess sites and places

Each site or place is assessed individually, using the selection guidance for each designation in Annexes 1-5. These explain what we take into account in our assessments.

Our assessments will normally involve a site visit, and will aim to make use of the best available evidence.

There are three main reasons why we may not take forward a designation assessment:

- The site or place is found unlikely to meet the designation criteria
- Designation is considered unlikely to be the best mechanism for recognising and protecting the cultural significance of a site or place
- A Certificate of Intention Not to List is in place

A Certificate of Intention Not to List only applies to listing. There is no equivalent for other designations.

In some other circumstances, we may decide not to assess a site or place. This is usually because there are development proposals that affect it which are at an advanced stage (see **Development proposals and designation**).

Where possible, we encourage participation in our decision-making, to include shared knowledge and local understanding. We are primarily concerned with views that relate to the understanding of the cultural significance of the sites or places. We also consider comments on the purpose and implications of designation and whether these are relevant to the case.

We normally publish cases on our online portal when we receive them. Once we have undertaken our assessment we set out our reasoning in a document called a 'report of handling', which we also publish on our portal.

We then normally consult with those directly affected before designating. This includes any owners, occupiers or tenants. We also consult the planning authority. We also normally welcome views from interested persons or groups. Once we have done this, we take the decision whether or not to designate.

A consultation period normally lasts 21 days. For historic marine protected areas, the consultation period is normally 12 weeks. The scope and level of participation in the decision-making may vary depending on the circumstances of the case.

Development proposals and designation

The legislation that sets out what can be designated is brief. It allows us to designate regardless of other factors such as development proposals. However, in carrying out designation work, we will act proportionately in line with the [Scottish Regulators' Strategic Code of Practice](#). This code expects that the functions we fulfil are transparent, accountable, consistent, proportionate and targeted where needed.

In practice, this means that we normally avoid intervening unnecessarily in the planning process or other regulatory processes where there are development proposals by adding a new designation. This may also extend to reviewing existing designations.

We consider the individual circumstances of each case. In deciding whether to designate a site or place or amend an existing designation while there are ongoing development proposals, appeals or enforcement, we will consider:

- the implications of designation on development proposals
- the effect of the proposed development on the significance of the site or place
- the extent to which plans have been developed for the site or place – where these are particularly advanced, we will not normally list or schedule

Our approach with the inventories of gardens and designed landscapes and historic battlefields may differ from listing and scheduling because of the typically large-scale nature of these landscapes, and their status in the planning system.

Where it is highly likely that the site or place no longer meets the designation criteria, we may consider removing the designation to avoid unnecessary regulatory processes. We might do this even where there are unresolved development or enforcement issues.

We encourage early engagement with the designation process. We welcome requests from planning authorities and interested parties before development proposals are advanced. We review the following:

- **Undesignated sites** – if a site or place is not designated, it does not necessarily mean that it does not merit designation. Many



sites or places have not been assessed, recently or otherwise, and this should be taken into account.

- **Existing designations** – if an existing designation has not been reviewed for some time or appears to no longer meet the criteria, we may review it. This is particularly useful before development or enforcement action is proposed. Where we review designated sites and places and find they no longer meet the designation criteria, these designations will be removed.

In urgent cases, planning authorities may consider serving a Building Preservation Notice (BPN) if it appears to them that a building is of special architectural or historic interest and is in danger of demolition or alteration which would affect its character. This is a form of temporary listing. Once a BPN has been served we have six months to assess the building for listing. We may list a building in these circumstances even if there are development proposals at an advanced stage.

Our decisions

We aim to make our decisions in a timely manner and work to our published [service standards](#). A typical listing or scheduling case may take up to six months to complete – timescales will depend on the complexity of the request. Gardens and designed landscapes and historic battlefields cases will typically take up to nine months. We publish all of our decisions in a report of handling online on [our portal](#).

After we have taken our decision we are required by law to notify owners, occupiers, tenants and planning authorities affected by the decision to add or amend a designation. The same applies to removals, except where a listed building has been demolished.

Anyone can ask us to review a designation decision. We will review our decisions if we receive relevant new information which was not available when we made our original decision. Requests can be made using [the designation application form](#).

Decisions to designate listed buildings and scheduled monuments, or to amend existing listed building and scheduled monument designations, can be appealed to Scottish Ministers. Appeals are determined by the [Planning and Environmental Appeals Division \(DPEA\)](#).

There is no statutory right of appeal for the following:

- listing or scheduling removals
- decisions not to list or schedule
- changes to the Inventory of gardens and designed landscapes
- changes to the Inventory of historic battlefields
- designating or amending historic marine protected areas

Local designations and other forms of recognition

National planning policy promotes the care and protection of the historic environment. Whether designated or non-designated, it is a material consideration in the planning process.

There are many sites and places that are valued by individuals and communities but do not meet the criteria for national designation.

Sites and places can be recognised through local designations – for example, areas of special architectural or historic interest (Conservation Areas) and locally important landscapes (Local Landscape Areas). They can also be identified by local authorities in their historic environment records (HER) or sites and monument records (SMR). HERs and SMRs can support local development plans, inform the determination of planning applications, and should be considered when making decisions.

Sites and places can also be given prominence through other forms of recognition. This can include survey, recording and commemoration. They might be included in online records such as the [National Record of the Historic Environment](#) or other registers such as the [Tree Register](#), the [War Memorials Register](#) and the [National Register of Historic Vessels](#). Where sites and places have particular associations with significant people or events, this can be recognised for example, through the [Commemorative Plaque Scheme](#).

We encourage people and communities, local authorities and other decision-makers to work together to consider ways to recognise sites and places that are important to them. We also encourage local authorities and other decision-makers to take undesignated sites and places into account, and to develop policies and guidance to reflect their importance.



ANNEX I: SCHEDULED MONUMENTS

How we decide if a site is of national importance for designation as a scheduled monument

OVERVIEW

1. Scheduling is the process that identifies, designates and provides statutory protection for monuments of national importance as set out in the [Ancient Monuments and Archaeological Areas Act 1979](#). Monuments range from artefact scatters of the earliest peoples to medieval churches and castles to more recent sites such as the remains of 20th-century wartime defences.
2. There are many thousands of archaeological and historical sites and places in Scotland. To be scheduled, a site must meet the definition of a monument and the criterion of **national importance** as set out in the 1979 Act.
3. Designating a site or place as a scheduled monument recognises its cultural significance at a national level. The cultural significance of a monument can be found in its artistic, archaeological, architectural, historic, traditional, aesthetic, scientific and/or social interest. The last three of these were added to the factors listed in the 1979 Act by the (former) Ancient Monument Board for Scotland in 1983.
4. The primary purpose of scheduling is the preservation of, and control of works on, monuments whose survival is in the national interest. The intention is to preserve as far as possible the characteristics that make a monument nationally important, and to pass these on to future generations.
5. [Scheduled monument consent](#) is required for any works that would demolish, destroy, damage, remove, repair, alter or add to a monument, or to carry out any flooding or tipping on a scheduled monument. Metal and mineral detecting consent (previously referred to as Section 42 Consent) is also required to use any device that can detect metals or minerals at a protected place (a scheduled monument or monument brought into the care of Scottish Ministers under the 1979 Act).

6. It is a criminal offence to cause damage to or carry out works to a scheduled monument without scheduled monument consent. It is also an offence to detect metals or minerals at a protected place or subsequently remove artefacts, without metal and mineral detecting consent.

WHAT SCHEDULING COVERS

7. A scheduled monument is a monument which is included in the Schedule (Section 1(11) of the 1979 Act). The definition of a monument is broad. It covers any site comprising any thing, or group of things, that evidences previous human activity. The Act specifically refers to buildings, structures, works, caves and excavations, as well as any remains of these or machinery attached to them. It also covers vehicles, vessels, aircraft and other moveable structures, or parts of them.
8. The site of a monument includes not only the land in or on which it is situated but also any land comprising or adjoining it which is considered to be essential for the monument's support and preservation (Section 61(9) of the 1979 Act).
9. The law prevents dwelling houses and places of worship in use from being designated as scheduled monuments. The land beneath them can be scheduled to recognise nationally important archaeological remains.

SCHEDULED MONUMENT RECORDS

10. A scheduled monument record consists of a written description of the monument, its location, the extent of the scheduled area and any exclusions, and a map depicting the scheduled area. The legal part of the scheduled monument record is the description and map.
11. The format of the record has changed over time. Earlier records have very brief descriptions, and the map will not be to current standards. Recent records have fuller descriptions and a digitally created map showing the scheduled area at an appropriate scale.

HOW WE SCHEDULE

12. We schedule monuments that are found to be of national importance using the selection guidance below. This guidance is a framework for making decisions about scheduling. Monuments are assessed on their own merits and individual decisions are made in each case.
13. We consider the degree to which a site survives when assessing it for scheduling. A monument may have both upstanding features and buried archaeological deposits, may be evidenced only through cropmarks visible on aerial photographs, or may simply consist of a scatter of artefacts. However, the present condition of what does survive is not a factor when deciding if a monument is of national importance.
14. We consider how rare a monument type is. Some types of monument are so rare that all surviving examples that have some remains will be of national importance. For more common monument types, a selection may be made of the best examples of the monument type.
15. When considering rarity, we take account of the distribution of particular types of monument where relevant. A monument that is rare in one area of Scotland may be of national importance, but one of similar quality may not be nationally important in another area where such sites are more common.

SELECTION GUIDANCE FOR DETERMINING NATIONAL IMPORTANCE FOR SCHEDULED MONUMENTS

16. When assessing a monument for scheduling, we consider whether its cultural significance is of national importance. We examine its cultural significance under the following headings.
 - **Intrinsic characteristics** - how the physical remains of a site or place contribute to our knowledge of the past
 - **Contextual characteristics** - how a site or place relates to its surroundings and/or to our existing knowledge of the past
 - **Associative characteristics** - how a site or place relates to people, practices, events and/or historic and social movements

17. The national importance of a monument is demonstrated in one or more of the following ways.
 - a) It contributes significantly to our understanding or appreciation of the past, or has the potential to do so. It may do so in itself, or as part of a monument type, or as a geographical group of related monuments.
 - b) It retains structural, architectural, decorative or other physical remains to the extent that it makes a significant contribution to our understanding or appreciation of the past. The remains can be upstanding fabric, evidence of buried archaeological structures and deposits, scatters of artefacts or a combination of these.
 - c) It is a rare example of a monument type when assessed against current knowledge of Scotland's history, archaeology and/or architecture, and of the region in which the monument is found.
 - d) It is a particularly representative example of a monument type when assessed against knowledge of Scotland's history, archaeology and/or architecture and of the region in which the monument is found.
 - e) It has research potential which could significantly contribute to our understanding or appreciation of the past.
 - f) It makes a significant contribution to the landscape and/or our understanding of the historic landscape. This may include the relationship of the monument to other monuments or natural features in the landscape, and/or the significance of its setting in understanding the monument or the monument type.
 - g) It has significant associations with historical, traditional, social or artistic figures, events, movements and/or practices that are of national importance.



ANNEX 2: LISTED BUILDINGS

How we decide if a building is of special architectural or historic interest for designation as a listed building

OVERVIEW

1. Listing is the process that identifies, designates and provides statutory protection for buildings of special architectural or historic interest as set out in the [Planning \(Listed Buildings and Conservation Areas\) \(Scotland\) Act 1997](#). We define ‘buildings’ as anything made by people, such as houses, schools, factories, boundary walls, bridges and sculptures.
2. Designating a site or place as a listed building recognises its cultural significance at a national level. To be listed, a building must meet the criteria of **special architectural or historic interest** as set out in the 1997 Act.
3. The primary purpose of listing under the 1997 Act is to ensure that change to listed buildings is given careful consideration through the planning system. The intention is to maintain the character of Scotland’s historic buildings and to prevent unnecessary loss or damage.
4. Listed building consent is required for changes to a building which affect its character as a building of special architectural or historic interest. The relevant planning authority is the point of contact for applications for listed building consent.
5. It is a criminal offence to demolish, alter or extend a listed building in any way which would affect its character as a building of special architectural or historic interest, without listed building consent.

WHAT LISTING COVERS

6. A ‘listed building’ means a building that is included in the List (Section 1(4) of the 1997 Act). The legal part of a listing is the address/name of the site or place, which is known as the ‘statutory address’. Addresses and building names may have changed since the date of listing. Even if a number or name is missing from a listing address, it will still be listed.

7. Listing covers both the exterior and the interior of a building. It also covers any object or structure fixed to the building. If a building is listed, the designation will apply to buildings or structures which are not physically attached but which are part of the curtilage (or land) of the listed building, as long as they were erected on or before 1 July 1948. This might include boundary walls, gates, gatepiers or ancillary buildings.
8. While Historic Environment Scotland is responsible for designating listed buildings, the planning authority is responsible for determining what is covered by the listing, including what is listed through curtilage. However, for listed buildings designated or amended after 1 October 2015, legal exclusions to the listing may apply.
9. A change to the 1997 Act allows us to legally exclude elements or features from a listing. These are: an object or structure fixed to the building; any object or structure within the curtilage of a listing; or any part or feature of a listed building that is not of architectural or historic interest. The intention is that listed building consent is not required for areas or structures formally excluded from the listing. In some cases, listed building consent may still be required if the works to an excluded part directly affect the listed building itself. If part of a building is not listed, both the statutory address and the statement of special interest in the listed building record will state that it is excluded. The statement will use the word ‘excluding’ and quote the 1997 Act. Some earlier listed building records may use the word ‘excluding’, but if the Act is not quoted, the exclusion carries no legal weight.

LISTED BUILDING RECORDS

10. Listed building records provide an indication of the special architectural or historic interest of the listed building which has been identified by its statutory address. The description and additional information provided in the listed building records are supplementary and have no legal weight, but



they help to indicate the special interest of the site or place. These records are not definitive historical accounts or complete descriptions of the building(s). If part of a building is not described, it does not mean it is not part of the listing or part of the special interest.

11. The format of the listed building record has changed over time. Earlier records may be brief, and some information will not have been recorded. Recent records are more comprehensive and include a statement of special interest.
12. All listed building sites are mapped with a location point. Recent listed building records also provide a polygon map. The maps and points are not legal, and only give an indication of what is listed.

HOW WE LIST

13. We list buildings which are found to be of special architectural or historic interest using the selection guidance set out below. This guidance is a framework for making decisions on listing. Buildings are assessed on their own merits and individual decisions are made in each case.
14. The extent to which a building or structure survives is a consideration when assessing it for listing. However, the present condition of the surviving fabric is not a factor when deciding whether it is of special architectural or historic interest.
15. Factors such as financial issues, proposed future use, or a building no longer being in its original use will not be taken into account.

SELECTION GUIDANCE FOR DECIDING THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF LISTED BUILDINGS

16. To decide if a building is of special architectural or historic interest, we examine its cultural significance under two main headings.
 - Architectural interest
 - Historic interest

The special architectural or historic interest of a building is demonstrated in one or more of the following ways.

Architectural interest

17. The architectural interest of a building may include its design, designer, materials, setting and the extent to which these characteristics survive. These factors are grouped under two headings.

Design: This relates to the building's design and also takes into account its level of authenticity and completeness as later changes may add to or detract from the interest. The key factors we will consider include:

- the artistic skill and/or architectural details or features and how they have been used in the building's design
- the interest of the designer in relation to the building's design
- interior design and fixed interior decorative schemes
- the plan form of the building
- materials used in the building
- technological excellence or innovation demonstrated in the building type or its design
- local or regional traditions that might be demonstrated in the building type, material or form

Setting: This relates to the context of a building and takes into account the current and historical setting. The building's contribution to its setting and how other features both built and natural relate to it are also taken into account. Factors include:

- the building's relationship with its immediate and wider surroundings, including views to and from it
- the building's relationship with its landscape, townscape or other buildings which may form a group
- the degree to which the immediate and wider setting of a building contributes to our understanding of its function or its historical context

Historic interest

18. Historic interest is in such things as a building's age, rarity, social historical interest and associations with people or events that have had a significant impact on Scotland's cultural heritage.



Historic interest is assessed under three headings.

Age and rarity: The older a building is, and the fewer of its type that survive, the more likely it is to be of special interest. Buildings which are less than 30 years old are not normally considered for listing, as there is insufficient historical perspective to allow a comprehensive assessment of the interest. We consider:

- the age of the building, and how it contributes to its interest
- the relative rarity of its building type or design

Social historical interest: Social historical interest is the way a building contributes to our understanding of how people lived in the past, and how our social and economic history is shown in a building and/or in its setting.

Association with people or events of national importance: This refers to the connections that a building has with people or events which have had a significant impact on Scotland's cultural heritage. We consider:

- the length of the association
- how well documented and authenticated the association is
- the significance of the association and whether it is of national importance
- how the association is shown in the fabric, plan form, design and/or setting of the building

LISTING CATEGORIES

19. Once a building is found to be of special architectural or historic interest, it is then classified under one of three categories according to its relative importance. While the listing itself has legal weight and gives statutory protection, the categories have no legal status and are advisory. They affect how a building is managed in the planning system.

Category A

Buildings of special architectural or historic interest which are outstanding examples of a particular period, style or building type.

Category B

Buildings of special architectural or historic interest which are major examples of a particular period, style or building type.

Category C

Buildings of special architectural or historic interest which are representative examples of a period, style or building type.

Group categories

A group category, either A or B Group, was formerly given to a group of related listed buildings to show their group interest. The group category was given in addition to the individual category and has no legal significance. This category is gradually being phased out.

OTHER PROVISIONS FOR LISTING

Building Preservation Notice

20. Section 3 of the 1997 Act gives planning authorities the power to serve a Building Preservation Notice. This can be used to protect unlisted buildings that they think are of special interest and which are to be demolished or altered in a way that will affect their special architectural or historic interest. The building will be protected in the same way as a listed building. The notice lasts for up to six months. During this time, Historic Environment Scotland will assess whether or not the building should be listed.

Certificate of Intention Not to List

21. Section 5A of the 1997 Act gives us the power to issue a certificate stating that we do not intend to list a building. This is called a Certificate of Intention Not to List (COINTL). It prevents a building from being listed during the five years from the date the certificate is issued. A planning authority cannot serve a Building Preservation Notice for the building during this time. Applications for a certificate can be made by anyone. They are assessed in the same way as a request for listing.
22. If the building is found to meet the criteria for listing we will normally designate it. We will take circumstances related to development proposals and existing designations into account when we make this decision. Planning authorities and owners will be notified at the same time as the certificate is issued. A decision on applications will normally be reached within twelve weeks.



ANNEX 3: THE INVENTORY OF GARDENS AND DESIGNED LANDSCAPES

How we decide if a garden and designed landscape is of national importance for inclusion on the Inventory

OVERVIEW

1. We assess gardens and designed landscapes for designation on the Inventory under Section 32A of the [Ancient Monuments and Archaeological Areas Act 1979 \(the 1979 Act\)](#).
2. There are thousands of gardens and designed landscapes in Scotland. To be included on the Inventory, a site must meet the definition of a garden and designed landscape and the criterion of **national importance** as set out in the 1979 Act.
3. The purpose of the Inventory is to identify sites of national importance and to provide information about them to aid their understanding, protection and sustainable management through the planning system, and in other relevant contexts such as landscape and land-use management.
4. When a garden and designed landscape is included on the Inventory, it becomes a material consideration in the planning process. This means that planning authorities should take gardens and designed landscapes into account when preparing local development plans and making decisions on planning applications.

WHAT THE INVENTORY COVERS

5. Gardens and designed landscapes are defined in the 1979 Act as grounds which have been laid out for artistic effect, including any buildings, land or water that are on, adjacent or contiguous to such grounds. They can include country estate landscapes, botanic garden collections, urban public parks and even some cemeteries or golf courses.
6. Parts of some Inventory gardens and designed landscapes may have additional legal recognition through other designations such as scheduling, listing or conservation area designation. Scottish Natural Heritage may also recognise areas of scientific or nature conservation value within inventory sites.

INVENTORY RECORDS

7. Inventory records explain why a garden and designed landscape is of national importance. They also describe its location, history and individual components. Inventory records are not intended to be definitive historical accounts or a complete description of the garden and designed landscape.
8. All inventory records have a map that shows the geographical area covered by the designation. Most will also have photographs.

HOW WE DESIGNATE INVENTORY SITES

9. We designate gardens and designed landscapes on the Inventory that are found to be of national importance. The selection guidance below provides a framework for assessing gardens and designed landscapes. We assess sites on their own merits and individual decisions are made in each case.
10. We consider the degree to which a site survives when assessing it for the Inventory. A garden and designed landscape must have enough integrity to be included on the Inventory. By integrity we mean the site's wholeness and/or coherence. We consider the survival and condition of the garden or designed landscape's main components and a site's overall coherence.

SELECTION GUIDANCE FOR DECIDING IF A GARDEN AND DESIGNED LANDSCAPE IS OF NATIONAL IMPORTANCE

11. To decide if a garden and designed landscape is nationally important, we examine its cultural significance under seven headings.
 - Artistic interest
 - Historical interest
 - Horticultural interest
 - Architectural interest
 - Archaeological interest
 - Scenic interest
 - Nature conservation interest



For each of these, we decide whether a site has outstanding, high, some, little or no interest. Sites that demonstrate more outstanding and high areas of interest are likely to be nationally important. Exceptionally, a site may be of national importance with only one outstanding area of interest.

Artistic interest: This refers to the design of a garden and designed landscape as is currently evident. It covers:

- appreciation of the site as a work of art in its own right, in terms of aesthetics and any other experiential qualities - we consider evidence for this appreciation from inception up until the time of assessment
- the quality and survival of any planned visual relationships (such as vistas or sightlines) from within the designed landscape towards landscape features beyond its boundaries (either built or naturally occurring)
- the degree to which the design set the trend for later gardens and designed landscapes, or marked a shift in landscape design history
- whether it was designed by an important garden or landscape designer – it might have value for its rarity if the designer executed few schemes, or it might be a particularly representative, intact or important work

Historical interest: This refers to the garden and designed landscape within a historical context, the survival of evidence for its development and the relationship of the site with people, both past and present. It covers:

- the amount and quality of associated documentary or other evidence for the history of the site, including maps, plans, written accounts, tree surveys, research reports, excavation reports, photographs, film, letters and any other kind of record
- the degree to which the site as a whole represents a particular period in the history of garden or landscape design
- the degree to which one or more of its components form an outstanding example of a particular period or style, or sequence of styles over time
- its relationship with historic individuals, communities, events, traditions and/or historic and social movements – associations with significant persons or events should be well

documented, and be reflected in the physical elements of the garden or designed landscape

- evidence of the role that the garden and designed landscape plays for communities in connecting people with the past – this can be reflected through access and recreation, interpretation and education, or other forms of engagement

Horticultural interest: This refers to the plants, trees, shrubs and woodlands in a garden and designed landscape. It covers any important associations with the history of horticulture, arboriculture (the cultivation of trees and shrubs) or silviculture (the cultivation of forest trees, or forestry). It covers:

- the presence of horticultural or arboricultural collections which are in good condition and being renewed, and which contain a wide range of species and/or unusual species or rarities
- the presence of individual trees recognised for their age, significant cultural associations or ‘champion’ status
- the presence of scientific collections which are in good condition, documented, propagated and made available to others
- the site’s overall place in the history of horticulture, arboriculture or silviculture

Architectural interest: This refers to the built features within a garden and designed landscape. It covers:

- the presence of buildings and structures that are listed in recognition of their special architectural and historic interest
- the degree to which the buildings or structures within the designed landscape contribute to the character of the site, either through their own intrinsic interest, through their interest as a group or through their relationship with other aspects of the site

Archaeological interest: This refers to archaeological features contained within the garden and designed landscape. It covers:

- evidence of the survival of an early form of designed landscape
- the research potential and/or contribution of archaeological evidence to our understanding of the development and history of the garden and designed landscape
- other known archaeological sites or monuments



which contribute to the character of the site, either by virtue of their own intrinsic interest, or through their relationship with other aspects of the garden and designed landscape

Scenic interest: This refers to the special contribution that the garden and designed landscape makes to the quality of the surrounding landscape. As viewed from outside of its boundaries, a garden and designed landscape may contribute to the visual, aesthetic interest of the wider landscape through its:

- size, location and/or overall character, including any combination of its built, landscaped, planted, water or natural components
- rarity and contrast with the surrounding landscape

Nature conservation interest: This refers to the quality and diversity of the environments and habitats within the garden and designed landscape. It covers:

- the presence of sites recognised at an international, national or local level for their flora (plants), fauna (animals), geology (rock types and forms), geomorphology (landforms) or a combination of these features
- the degree to which it contains a range of different habitats, or one or more habitats, which appear at the time of assessment to be managed to support nature conservation principles, or to support protected species



ANNEX 4: THE INVENTORY OF HISTORIC BATTLEFIELDS

How we decide if a battlefield is of national importance for inclusion on the Inventory

OVERVIEW

1. We assess historic battlefields for the Inventory under Section 32B(1) of the [Ancient Monuments and Archaeological Areas Act 1979](#) (the 1979 Act).
2. Scotland has many historic battlefields, all of which are likely to have some cultural significance to a particular area or group of people. To be included on the Inventory, a site must meet the definition of a battlefield and the criterion of **national importance** as set out in the 1979 Act.
3. The purpose of the Inventory is to provide information about nationally important battlefields, to aid their understanding, protection and sustainable management through the planning system, and in other relevant contexts such as landscape and land-use management.
4. When a battlefield is included on the Inventory it becomes a material consideration in the planning process. This means that planning authorities should take battlefields into account when preparing local development plans and making decisions on planning applications.

WHAT THE INVENTORY COVERS

5. A 'battlefield' is defined in law as an area of land over which a battle was fought; or an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that land). A 'battle' is an engagement involving wholly or largely military forces that had the aim of inflicting lethal force against an opposing army.
6. The Inventory defines an overall geographical area of interest for battlefields. It will include the main focus of fighting, and a wider area that contributes to our understanding because there is evidence of other significant activities occurring there. This might include:
 - zones of secondary fighting or skirmishes
 - lines of advance and retreat
 - associated earthworks and camps
 - burials and memorials

In some cases, later battle memorials or other features associated with the battle that lie outside the inventory boundary may be highlighted in the inventory record for their relevance to the battlefield and its subsequent history. Such features may or may not be designated in their own right.

7. Battlefields or parts of them can also be recognised through designation as a scheduled monument or listed building, or through other area designations such as conservation areas or Local Landscape Areas. Even where actions related to a battle extended beyond the inventory boundary, planning policies recognise that undesignated sites and places are an important part of Scotland's heritage.

INVENTORY RECORDS

8. Inventory records explain why a battlefield is of national importance. They are not intended to be a definitive historical account of a battle.
9. Inventory battlefield records include information describing the site, its location, history, key characteristics, surviving components and other relevant information. All inventory records have a map that shows the overall geographic area of interest covered by the designation.

HOW WE DESIGNATE INVENTORY SITES

10. We designate historic battlefields on the Inventory that are found to be of national importance. The selection guidance below provides a framework for assessing battlefields. We assess sites on their own merits and individual decisions are made in each case.
11. All landscapes in which battles were fought have changed since the battle due to natural processes and human intervention. Some may now lie within heavily developed urban areas, or in areas where there is significant development pressure. Every battlefield is unique, and the ability of each battlefield to accommodate change without damaging special qualities and key landscape characteristics varies between inventory sites.



The unique nature of each battlefield means that the ability to accommodate change can also vary across different parts of individual inventory sites.

12. When assessing battlefields for the Inventory, it is essential to be able to identify the location of the site and to map boundaries of the overall area of interest based on informed interpretation of available evidence. 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. In some cases, the evidence may also allow for multiple valid interpretations of an action.
13. To merit inclusion on the Inventory, a battlefield must exhibit some level of preservation and/or significance in terms of its special qualities and landscape characteristics through which it can contribute to our understanding. This is the case even where the overall character of the landscape has been affected by development or changes in land use. However, if a battlefield has been so altered that it appears to have lost its special qualities and landscape characteristics, it will not be included on the Inventory even if it retains strong associative value.

SELECTION GUIDANCE FOR DECIDING IF A BATTLEFIELD IS OF NATIONAL IMPORTANCE

14. To decide if a battlefield is nationally important, we examine its cultural significance under three headings.
 - Historical association
 - Significant physical remains and/or archaeological potential
 - Battlefield landscape

A battlefield is likely to be of national importance if it contributes significantly under some or all of these categories of assessment to understanding the history of Scotland, or the linked regional histories that preceded its establishment as a nation. A site will be of more local significance where its contribution or potential lies in understanding the archaeology and history of a specific area.

Historical association: This refers to the contribution of the battle to history and to modern society and culture. It covers:

- military history, strategy and tactics, such as significant military innovations or occurrences associated with the battle
- associations with nationally significant historical individuals or groups and their interactions
- associations with a nationally significant event or campaign
- documentary and historic map evidence that may enhance our understanding of historical events
- the place of the battle in the national history and consciousness – this can be reflected through literature, oral tradition and evidence of the role that the battlefield plays for communities

Significant physical remains and/or

archaeological potential: This refers to the special qualities of a battlefield in the form of surviving physical remains and built features associated with the battle as well as the archaeological potential of the battlefield. It covers:

- built structures that were present at the time of the battle, such as field walls or buildings, route ways like roads, bridges and paths, or elements resulting from the battle itself, including earthworks or graves
- archaeological evidence that can support and enhance documentary records and provide details about events, weaponry and combatants that are not available through other sources – it may be in the form of artefacts such as bullets, arrowheads and personal effects – it could also be potential for buried archaeological deposits, such as the remains of earthworks, camps, burials or entrenchments
- the contribution or potential contribution of the archaeological and physical remains of the battle to our understanding of the broader archaeology and history of Scotland

The 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: This refers to understanding the landscape characteristics of the battlefield, not just in the main area of fighting but also in the wider landscape where significant events occurred. Battles were rarely fought in small, clearly defined areas. As they often ranged across a wider landscape, the landscape context is important for understanding military planning and tactics. It can be key to understanding why events unfolded as they did. The landscape context can also contribute to our sense of place, and how battlefields are remembered today. Landscape characteristics include:

- features of terrain such as hills and other high ground, or valleys - these might provide or restrict vantage points and lines of sight
- natural obstacles such as watercourses, bogs and cliffs - these can obstruct movement
- areas providing concealment such as slopes, ditches and woodland
- routes of movement and manoeuvre such as paths and narrow passes
- historic settlements - battlefields often have relationships with settlements that were present at the time of the battle
- memorials - these are often located to relate to elements of the battlefield landscape, and they may or may not be detached from the main areas of the battle - they contribute to our understanding and appreciation of a battle and its associations



ANNEX 5: HISTORIC MARINE PROTECTED AREAS

How we assess if a marine historic asset is of national importance for designation as a historic marine protected area

OVERVIEW

1. Scottish Ministers have the power under Section 73(1) of the [Marine \(Scotland\) Act 2010](#) (the 2010 Act) to designate historic marine protected areas for preserving marine historic assets located within the territorial seas of the United Kingdom adjacent to Scotland (out to 12 miles offshore). Historic Environment Scotland provides advice to the Scottish Government on designation of historic marine protected areas and advises on their management.
2. There are thousands of archaeological sites around the coasts and seas of Scotland. To be eligible for designation as a historic marine protected area, a site must meet the definition of marine historic asset and the criterion of **national importance** as set out in 2010 Act.
3. Designating historic marine protected areas recognises the cultural significance of marine historic assets at a national level. The cultural significance of a marine historic asset can be found in its artistic, archaeological, architectural, historic, traditional, aesthetic, scientific and/or social interest.
4. Designation of historic marine protected areas helps to 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. Alongside other types of marine protected area (including nature conservation and demonstration and research), historic marine protected areas form part of a network of marine protected areas in the seas around Scotland that support the Scottish Government's vision of 'clean, healthy, safe, productive, biologically diverse marine coastal environments, managed to meet the long-term needs of nature and people'.
5. The 2010 Act requires that preservation objectives are set for a historic marine protected area. These guide management according to the specific needs of individual areas. Once designated, public

authorities must take account of the preservation objectives in exercising their functions, including when taking decisions through planning permission, marine licensing and other regulatory processes. Scottish Ministers can also make marine conservation orders to further preservation objectives of an area – these can be used to prohibit, restrict or regulate activities that are specified in the order.

6. It is a criminal offence to intentionally or recklessly undertake a prohibited act in the protected area that significantly hinders the achievement of preservation objectives. Prohibited acts are removing, altering or disturbing a marine historic asset, or carrying out works or activities which damage or interfere with a marine historic asset or have a significant impact on the area. It is also an offence to contravene a marine conservation order. Exceptions to offences include where the act was authorised by a public authority (for example, through issuing of a marine license).

WHAT HISTORIC MARINE PROTECTED AREAS COVER

7. A marine historic asset is defined in Section 73(5) of the 2010 Act. The definition of a marine historic asset is broad. It is any of the following:
 - a) a vessel, vehicle or aircraft (or part of a vessel, vehicle or aircraft)
 - b) the remains of a vessel, vehicle or aircraft (or a part of such remains)
 - c) an object contained in or formerly contained in a vessel, vehicle or aircraft
 - d) a building or other structure (or a part of a building or structure)
 - e) a cave or excavation
 - f) a deposit or artefact (whether or not formerly part of a cargo of a ship) or any other thing which evidences, or groups of things which evidence, previous human activity



8. Designation orders state the marine historic assets within the area, the preservation objectives, and identify the area's boundaries. A boundary may be determined by mean high water spring tide. It may include areas of seashore above mean high water spring tides that adjoin the area of sea.
9. Historic marine protected areas are normally the preferred type of designation for individual marine historic assets (such as a single shipwreck) or coherent groups of sites offshore, with scheduling or listing preferred for sites and places at the coast edge. The National Register of Historic Vessels (NRHV) provides an overview of the UK's surviving historic vessels. Military maritime graves of individual wrecked vessels and all crashed military aircraft are designated under the Protection of Military Remains Act 1986, administered by the Ministry of Defence.

HISTORIC MARINE PROTECTED AREA RECORDS

10. We give each historic marine protected area a record, which explains why a marine historic asset or group of assets is of national importance. Each record has a description, a statement of national importance and a map showing the boundaries of the area. The record sets out the preservation objectives for marine historic assets and the area, which explain what the designation aims to achieve. We also provide baseline information relating to survival and site condition, based on monitoring information we collect.
11. Each record provides operational advice on human activities that can hinder preservation objectives and which sea users and public authorities should take into account. We outline any regulations relevant to managing the area, such as marine conservation orders that might restrict or prohibit a particular activity.

HOW HISTORIC MARINE PROTECTED AREAS ARE DESIGNATED

12. This guidance is a framework for the advice we provide to Marine Scotland (part of the Scottish Government) on which marine historic assets merit designation and whether marine conservation orders are required. We assess marine historic assets on their own merits and make individual recommendations in each case. Scottish Ministers take the decision on designating historic marine protected areas.
13. We recommend preservation objectives based on the overarching policy principle of protection of marine historic assets in situ as the first option. In every case, we consider what is appropriate and practicable. Objectives may cover survival of marine historic assets, site condition, aspects relating to recovery and use of the marine historic assets and treatment of human remains.
14. We advise on the need for marine conservation orders to help preserve historic marine protected areas where there are no other available mechanisms to mitigate risk to marine historic assets, or where the available mechanisms are considered insufficient and a more focused regulatory regime is required.

SELECTION GUIDANCE FOR ASSESSING IF MARINE HISTORIC ASSETS ARE OF NATIONAL IMPORTANCE

15. When assessing a marine historic asset for designation, we consider whether its cultural significance is of national importance. We follow broadly the same approach to selection as we use for scheduling monuments of national importance, to ensure that we consider archaeological sites in the marine environment as we do sites on land. We examine the cultural significance of marine historic assets under the following headings.
 - **Intrinsic characteristics** - how the physical remains of a marine historic asset contribute to our understanding of the past
 - **Contextual characteristics** - how a marine historic asset relates to its surroundings and/or to our existing knowledge of the past
 - **Associative characteristics** - how a marine historic asset relates to people, events and/or historic and social movements
16. 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 submerged. Wrecked vessels and aircraft might have strong and far-reaching connections, or may have come from far afield and



have only a passing association with the places where they have come to rest. We therefore consider the cultural significance of such assets beyond Scotland.

17. The national importance of a marine historic asset is demonstrated in one or more of the following ways.
 - a) It makes a significant contribution to our understanding or appreciation of the past, or has the potential to do so. It may do so in itself, or as an example of a specific type of marine historic asset, or as a geographical group of related marine historic assets.
 - b) It retains structural, technical, decorative or other physical attributes, which make a significant contribution to our understanding or appreciation of the past. The remains can be upstanding fabric, evidence of buried archaeological structures and deposits, scatters of artefacts or a combination of these.
 - c) It is a rare example of a marine historic asset type when assessed against knowledge of the history and archaeology of Scotland, its seas, and their place in the wider world.
 - d) It is a particularly representative example of a type of marine historic asset when assessed against knowledge of the history and archaeology of Scotland, its seas, and their place in the wider world.
 - e) It has research potential which could significantly contribute to our understanding or appreciation of the past.
 - f) It makes a significant contribution to the marine historic environment and wider marine environment. This may include the relationship of the marine historic asset and its parts to other marine historic assets or features in its surrounding area.
 - g) It has significant associations with historical, traditional, social or artistic figures, events or movements that are of national importance.



SOURCES OF FURTHER INFORMATION

Legislation

Ancient Monuments and
Archaeological Areas Act 1979

Planning (Listed Buildings and
Conservation Areas) (Scotland) Act 1997

Marine (Scotland) Act 2010

Strategy, policy and procedure

*Our Place in Time: The Historic Environment
Strategy for Scotland* (2014)

Historic Environment Policy for Scotland (2019)
<https://www.historicenvironment.scot/heps>

Historic Environment Scotland:
Scheduled Monument Consents Policy
<https://www.historicenvironment.scot/smc-policy>

Historic Environment Scotland Circular:
Regulations and Procedures
<https://www.historicenvironment.scot/circular>

Designation Policy and Selection Guidance
<https://www.historicenvironment.scot/designation-policy>

Guidance

Scotland's Listed Buildings

Scotland's Scheduled Monuments

Scotland's Inventory of Gardens
and Designed Landscapes

Scotland's Inventory of Historic Battlefields

Scotland's Historic Marine Protected Areas

Managing Change in the Historic
Environment Guidance Series

Managing Change Demolition of Listed Buildings
<https://www.historicenvironment.scot/demolition>

Managing Change Use and
Adaptation of Listed Buildings
<https://www.historicenvironment.scot/use-and-adaptation>

Online resources

Designation application form:
<https://www.historicenvironment.scot/designation-application/>

Historic Environment Scotland website:
<https://www.historicenvironment.scot/advice-and-support/>

Designation records and designation decisions:
<http://portal.historicenvironment.scot/>

Adaption Case Studies:
<https://www.historicenvironment.scot/adaptation-case-studies>



**We are the lead public body established
to investigate, care for and promote
Scotland's historic environment.**

**We want to make sure Scotland's heritage
is cherished, understood, shared and
enjoyed with pride by everyone.**



Historic Environment Scotland
Longmore House, Salisbury Place
Edinburgh EH9 1SH
T. 0131 668 8600

Scottish Charity No: SCO45925
VAT Number: GB 221 8680 15
©Historic Environment Scotland