

Heritage Management  
Historic Scotland  
Longmore House  
Salisbury Place  
Edinburgh EH9 1SH

[hs.heritagemanagement@scotland.gsi.gov.uk](mailto:hs.heritagemanagement@scotland.gsi.gov.uk)

28 September 2015

Dear Sir / Madam,

**Consultation on Draft Managing Change in the Historic Environment Guidance Note –  
Gardens and Designated Landscapes<sup>1</sup>**

Thank you for the opportunity to comment on this draft guidance note.

**The Chartered Institute for Archaeologists**

The Chartered Institute for Archaeologists (ClfA) is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provide a self-regulatory quality assurance framework for the sector and those it serves.

ClfA has over 3,300 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

ClfA's Scottish Group has over 250 members practising in the public, private and voluntary sector in Scotland. Furthermore, ClfA is a member of the Built Environment Forum Scotland (BEFS), a network organisation that brings together non-governmental organisations and professional bodies that work with Scotland's built environment.

**Draft Managing Change in the Historic Environment Guidance Note – Gardens and  
Designated Landscapes**

**Question1: Is this document useful?**

1.1 Yes. Such guidance has an important role to play in ensuring that the management and protection of the historic environment is fully addressed in the operation of the planning system.

**Question 2: Does the document leave out anything that should be included?**

2.1 The draft guidance note generally covers those areas relevant to the consideration of gardens and landscapes in the planning process. However, notwithstanding the reference in the first paragraph on page 2 to '*the same general principles apply[ing] to development proposals affecting designed landscapes of regional and local importance* [as apply to gardens and designed landscapes on the Inventory], we would like to see more detailed consideration of 'non-Inventory' sites in the guidance note.

2.2 Moreover, we would also like to see greater consideration in the Note given to the impact of development proposals on undesignated historic assets (including buried archaeological remains).

2.3 These concerns are elaborated in specific comments made in response to question 6 (additional comments) below.

**Question 3: Does the document include anything you think is unnecessary?**

3.1 No.

**Question 4: Do you have examples you would like us to use to help us illustrate any of the points made in the documents?**

4.1 No.

**Question 5: As we continue to develop our suite of guidance are there topic areas You would like to see covered?**

5.1 Undesignated assets of archaeological interest.

**Question 6: Additional comments**

6.1 The reference in the second key issue on page 1 to Inventory landscapes receiving special consideration [my underlining] might cause confusion with the special considerations affecting planning functions in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and in particular with the statutory duty with regard to listed buildings in section 59 of that Act. Consequently, it may be better to omit the word 'special' in that paragraph.

6.2 Nevertheless, care needs to be taken not to give the impression in the recital of the key issues that only effects on those landscapes identified in the Inventory can be material considerations in the planning process. Although the second sentence of key issue 5 refers to landscapes of regional or local importance, it should be spelt out that the impact of development on such landscapes can be a material consideration in accordance with paragraphs 148 and 151 of Scottish Planning Policy.

6.3 The third bullet point of section 4 on page 4 of the draft (roles and responsibilities of the Planning Authority) begins by referring to sites on the Inventory, but continues in the second and third sentences with references to designed landscapes which could (and should) be read as referring both to sites on the Inventory and to other sites. The paragraph should make clear

that the Local Authority is the primary decision-maker for all gardens and landscapes and explain its responsibilities in that context. It is accepted that the first paragraph on page 2 seeks to apply the same principles to landscapes of regional and local importance, but the impression given to the casual reader in the following paragraphs may well be that it is only sites on the Inventory that are of any real significance.

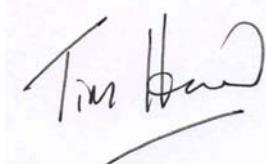
6.4 It would also be very helpful to include some guidance as to the weight to be given to the impact of development on sites on the Inventory (particularly if the word 'special' remains in the key issues) and the approach to assessing the impact of development on those gardens and designed landscapes which are not on the Inventory.

6.5 The direct impacts considered on pages 6 and 7 of the draft note include impacts upon listed and unlisted buildings, but impacts only upon scheduled monuments. The note should recognise impacts upon other undesignated assets including buried archaeological remains.

6.6 Furthermore, the section on Mitigation and Enhancement at pages 8 to 9 of the draft note should be extended to address the impact of groundworks upon below-ground evidential values and the need for mitigation and / or compensation in this regard.

ClfA would be happy further to contribute to the formulation or revision of this and other guidance notes for managing the historic environment in Scotland. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,



Tim Howard LLB, Dip Prof Arch  
Senior Policy Advisor

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<sup>1</sup> <http://www.historic-scotland.gov.uk/mcgn-gardens-consultation-draft.pdf>