



PRE-APPLICATION ADVICE

Historic Environment Scotland encourages all applicants to seek pre-application advice prior to completing their application for scheduled monument consent. This will help to identify any further information that may be required in support of the application, and identify any significant issues with the works proposed. The level of supporting documents required to determine a scheduled monument consent application will vary, depending on the scale and nature of the works proposed. Generally, the greater the complexity of the works, the greater the level of information and justification required.

APPLICATIONS FOR SCHEDULED MONUMENT CONSENT

Applications are to be made on a form obtained from Historic Environment Scotland. Applications can be submitted electronically or by post.

All applications for scheduled monument consent must contain the following information:

- a written description of the works to which it relates;
- the name or location of the scheduled monument to which the works relate or a description of the location of the land;
- the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent;
- a plan or drawing, sufficient to identify the area of land to which the works relate;
- such other plans and drawings as are necessary to describe the works to which it related; and
- appropriate ownership certificates and notices (see below - PART B: Other Parties Notification and Part C - Certificate of ownership)

Applications which contain insufficient information to satisfy the information requirements will be returned to the applicant with a clear explanation of why the application has been returned and what further information is required. We strongly encourage the use of our pre-application advice and application checking service to ensure you include the correct information at the time of submission in order that the processing of your application is not delayed.

PUBLICATION OF APPLICATIONS FOR SCHEDULED MONUMENT CONSENT

Scheduled monument consent applications will be made publicly available on Historic Environment Scotland's on-line portal (<http://portal.historicenvironment.scot>) during the application process (normally within five working days of receiving an application that satisfies the information requirements). Historic Environment Scotland will publish the application form and supporting documentation.

Once an application has been determined, Historic Environment Scotland will publish the decision notice and associated report on handling. Any representations made concerning an application that are material to the determination of the application will be addressed in the report on handling.

Privacy Notice

We believe you should always know what data we collect from you, why we need it and how we look after it. This privacy notice, along with our overarching HES privacy notice, explain your

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Rev 07/20

rights and our role in protecting the information that you share with us. We will process your Personal Data in strict accordance with the General Data Protection Regulation and the Data Protection Act 2018.

The data you submit to us as part of your application for consent will be used for this purpose and to confirm and update Historic Environment Scotland's Owner-Occupier records. This allows us to monitor the condition of scheduled monuments and notify you of any potential designation changes. However, should your application affect any Site of Special Scientific Interest (SSSI) we will, with your permission, pass the personal information contained in this form, along with the form itself, to Scottish Natural Heritage for the purpose of processing an application for SSSI consent, should this be required. Historic Environment Scotland publish applications and decisions on its portal <http://portal.historicenvironment.scot> as required by Regulation 7 and 8 of The Scheduled Monument Consent Procedure (Scotland) Regulations 2015. Historic Environment Scotland will publish the application and relevant supplementary information including the name and address that you have submitted as part of the application. However, Historic Environment Scotland will not publish signatures, personal email addresses or telephone numbers.

DETERMINATION

Applications for scheduled monument consent will normally be determined within 8 weeks of receipt of the application. (Complex applications may take longer; where this is likely to be the case Historic Environment Scotland will discuss and agree appropriate timescales with the applicant).

Historic Environment Scotland can take the decision to: grant, grant with conditions, part grant/part refuse; part grant/part refuse with conditions, or refuse an application for scheduled monument consent.

The conditions applied can include a condition reserving specified details of the works (whether or not set out in the applications for consent) for subsequent approval by Historic Environment Scotland.

All applications are determined in line with Historic Environment Scotland's [Scheduled Monument Consents Policy](#).

RIGHT TO APPEAL

Applicants for scheduled monument consent have the right to appeal to Scottish Ministers against:

- refusal of an application for scheduled monument consent;
- granting an application for scheduled monument consent subject to conditions;
- refusing an application for variation or discharge of conditions (related to a scheduled monument consent application);
- granting an application for variation or discharge of conditions (related to a scheduled monument consent application) subject to conditions;
- refusing an application for subsequent approval required by a conditions to which a scheduled monument consent is subject; and
- failure to determine scheduled monument consent or variation thereof within a two month period.

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Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Rev 07/20

Appeals must be made in writing on a form obtained from Scottish Ministers. Appeals may be submitted online; forms and guidance for doing so are available from DPEA at <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/appealformsguidancenotes>.

The notice of appeal needs to be served within a period of three months beginning with the date of the decision notice or, in the case of an appeal against non-determination, beginning with the date of expiry of the period allowed for determining the application - two months after the validation date.

Where the applicant and Historic Environment Scotland agree in writing to an extension of this statutory period, such extended period counts as the period allowed for determination.

CONTACTS

For further help and information please call 0131 668 8716.

MAKING A SCHEDULED MONUMENT CONSENT APPLICATION

Your scheduled monument consent application comes in three parts:

Part A: Application details: All applicants must complete this form

Part B: Other parties notification: This form must be completed by any applicant who is not the sole owner of the monument to which the works relate. This notice must be served on all owners, occupiers and agricultural tenants of the monument. A copy of each notice served must be included when you submit your application.

Part C: Certificate of ownership: All applicants must complete this form.

The application form also contains a **contact details sheet**. The information on this sheet will not be published as part of the application but it is important that it is completed so we are able to contact you about your application. If it is not completed, we may have problems contacting you and this may delay the determination of your application.

Please follow the instructions below when completing your application form.

PART A: APPLICATION DETAILS

1 Applicant name and address

Please enter your name and address. If you are an agent, enter the name and address of the person you are making the application on behalf of.

2 Monument to which application applies

Please enter information sufficient to identify the monument. The monument index number and name can be found on our public portal <http://portal.historicenvironment.scot> or by calling Historic Environment Scotland on 0131 668 8716. Alternatively, please enter a grid reference for the monument, and a description of the location of land to which the application affects.

3 Pre-application discussions.

Please detail any pre-application discussions you have held with Historic Environment Scotland.

4 Summary of proposed works

Please provide a brief summary of the proposed works (no more than 20 words)

5 Description of proposed works

Please provide a detailed description of all works proposed. This should include details of how you intend to carry out the works, together with any proposed mitigation. If you prefer to submit these details as a supporting document, please enter the name of the supporting document here.

6 Indicative timescale for proposed works

Please provide an indicative timescale for your proposed works.

7 List of plans, drawings and other documents accompanying application (continue on separate sheet if necessary)

Please list any supporting plans, drawings or documents which accompany your application, indicating whether you intend to submit them by post or email. You **must** include a plan or drawing sufficient to identify the area of land to which the works relate and other such other plans and drawings as are necessary to describe the works to which it relates.

8 Nature Conservation – Protected Places and Species

Historic Environment Scotland has a duty to assess the impact of any proposed works on protected species and places. Further information on protected species and places, together with standing advice is available from Scottish Natural Heritage's website: www.snh.gov.uk.

Before applying for scheduled monument consent, you must identify whether the works you are planning are within a protected place, and consider what (if any) protected species might be present on the site, or close by, and the effect the proposed works might have on them.

You should, where necessary, provide information on the likely impact of your proposed works on the protected species or place, as the determination of your application for scheduled monument consent may be delayed or the application refused without this information.

If your planned work is within a Site of Special Scientific Interest (SSSI), you may require SSSI consent in addition to scheduled monument consent. With your permission, Historic Environment Scotland will pass your personal details, along with the details of your application, to Scottish Natural Heritage. A separate application for SSSI consent will not be required. If you do not consent to your details being passed to SNH, you will need to apply directly to them for any SSSI consent required.

9 Other Information relevant to the application

You should include details of any other information relevant to the application. This may include details of other permissions you have sought, or previous works on site.

10 Declaration

Please complete the declaration section of the form.

PART B: OTHER PARTIES NOTIFICATION

If you were the sole owner of the monument to which the application relates at the beginning of the period of 21 days which ended on the date of the application, then you do not need to complete Part B: Other Parties Notification. **Please go to Part C.**

If you do not own any or all of the land to which the application relates, or if the land is agricultural land, then you must complete Part B: Other Parties Notification. This notice must be served on all owners, as defined below:

- (a) any person who, in respect of any part of the monument, is under the Lands Clauses Acts enabled to sell and convey the land to promoters of an undertaking;
- (b) any person who is entitled to possession of the land as a tenant under a lease, the unexpired period of which is not less than 10 years;
- (c) any tenant of a croft within the meaning of section 3 of the Crofters (Scotland) Act 2003 any part of which is comprised in the land to which an application relates; and
- (d) any agricultural tenant of land any part of which is comprised in the land to which an application relates, and where appropriate includes a sub tenant.

If serving a notice by post, we recommend you use recorded delivery. A copy of any notice served must be submitted to Historic Environment Scotland with your application.

Consent cannot be issued for at least 21 days after the notice has been served, unless you obtain written confirmation from the owner(s) that they do not wish to make a representation. While we may grant consent when the notice has been served, the responsibility for ensuring any other relevant permissions are in place rests with the applicant.

(a) Monument to which application relates

Please enter information sufficient to identify the monument. Where possible, this should include the Index number, name of the monument and a grid reference.
e.g. Index No 1111 Black Cairn, 200m NW of Mill Hill, NGR NH 6475 5432.

(b) Applicant name

Please enter the name of the applicant. If you are an agent, enter the name of the person you are making the application on behalf of.

(c) Description of proposed works

Insert a brief description of the proposed works together with the location at which the works are proposed.
Eg. Replacement of fencing along the NW edge of the scheduled area.

(d) Representation date

Insert date 21 days later than the date on which the notice will be served.

Signature

Please sign your name at the bottom of the notice. If you are an agent you should include details of the applicant.

PART C: CERTIFICATE OF OWNERSHIP

You are legally required to complete **one** part of the 'Certificate of Ownership' and submit it with your application.

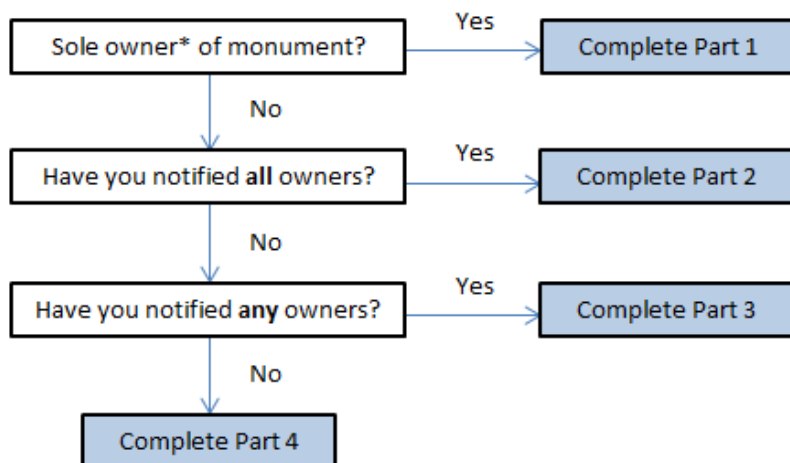
* "Owner" of the monument is –

(a) any person who, in respect of any part of the land in, on or under which there is a scheduled monument, is under the [Lands Clauses Acts](#) enabled to sell and convey that land to promoters of an undertaking;

(b) any person who is entitled to possession of the land as a tenant under a lease, the unexpired period of which is not less than 10 years;

(c) any tenant of a croft within the meaning of section 3 or any owner-occupier crofter of an owner-occupied croft under section 19B(5) of the [Crofters \(Scotland\) Act 1993](#) any part of which is comprised in that land to which an application relates; and

(d) any agricultural tenant of land any part of which is comprised in that land to which an application relates.



Part 1

Applicant who is the sole owner

If you were the sole owner of the monument to which the application relates at the beginning of the period of 21 days which ended on the date of the application, then you should complete and return Part 1.

Part 2

Applicant who is not the sole owner

If you do not own the land to which the application relates, or you are a joint owner of the land, you are legally required to notify all (other) owner(s). The name and address of all owners served with an 'Other Parties Notice' (Part B) should be listed, together with the date on which you served the notice.

Part 3

Applicant who is not Sole Owner and is unable to identify one or more of several Joint Owners

If you are not the owner, or the only owner of the land to which the application relates, you are legally required to notify all (other) owner(s). If you have been unable to identify one or more

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owners, you should complete Part 3. The name and address of all owners served with an 'Other Parties Notice' (Part B) should be listed, together with the date on which you served the notice. You should also give details of the steps you have taken to try to identify the other owners.

Part 4**Applicant unable to identify any Owner**

If you have been unable to identify any owner(s) of the monument, you should complete Part 4, giving details of the steps you have taken to try to identify the owner(s).

You can email your application and supporting documents to:

scheduledmonumentconsent@hes.scot, or post them to: Heritage Directorate Business Support, Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH