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Historic Environment Scotland

JOINT WORKING AGREEMENT 2015-16

In 2015-6 Historic Environment Scotland and Dumfries and Galloway Council will work on the priorities below:

- Developing the Dumfries and Galloway Council Joint Working Agreement for 2015-16 based upon Our Place in Time – The Historic Environment Strategy for Scotland.
- Work together to ensure a smooth transition to new requirements for Historic Environment Scotland involvement in the Listed Building Consent and Conservation Area Consent.
- Although Dumfries and Galloway Council is required to consult Historic Environment Scotland on all Listed Building Consent applications required by regulations, Historic Environment Scotland will not provide detailed advice on applications that meet the criteria set out in Appendix 5 of the Statutory Requirements. This agreement is subject to annual review, and subject to the maintenance of acceptable local policies and access by the Council to specialist historic environment advice.
- The date for review of this agreement is 1 October 2016.

For Historic Scotland
Name
Date

For Dumfries and Galloway Council
Name
Date

A Draft Joint Working Agreement Between Historic
Environment Scotland & Dumfries and Galloway Council

Statutory Requirements

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The Role of Dumfries and Galloway Council

1. Planning authorities are central to the effective management of Scotland's historic environment. Their key roles are to set a local policy framework which accords with national policy and to implement this through their development management and related functions. They also designate Conservation Areas, manage large estates which include significant numbers of listed buildings, and may provide grants to private owners.

The Role of Historic Environment Scotland

2. Historic Environment Scotland is non-departmental public body responsible for carrying out functions in relation to the historic environment and advising Scottish Ministers on historic environment policy.
3. In addition to its statutory casework and consultation role, Historic Environment Scotland liaises with Dumfries and Galloway Council on issues relating to its properties in care, grants, technical publications and advice.

Designations: Historic Environment Scotland and Dumfries and Galloway Council Liaison

4. Historic Environment Scotland and Dumfries and Galloway Council are responsible for a range of statutory and non-statutory designations as outlined in Appendix 3. Historic Environment Scotland and Dumfries and Galloway Council will work in partnership to carry out these responsibilities.

Historic Environment Scotland will make Dumfries and Galloway Council aware of any major designation programme taking place within their area. Dumfries and Galloway Council will make Historic Environment Scotland aware of any particular pressures or issues which may assist when setting priorities for designation work. Dumfries and Galloway Council will identify and notify Historic Environment Scotland of potential candidates for designation or designation review at the earliest opportunity and share information held about the historic environment.

Historic Environment Scotland will continue to make all designations available on our website and Dumfries and Galloway Council will make the lists for their Council area available for inspection as required by Section 2(4) of the 1997 Act. Historic Environment Scotland will consult with Dumfries and Galloway Council as part of the designation process and consider these views in reaching a decision. When consulted, Dumfries and Galloway Council will make Historic Environment Scotland aware of any current planning consents or applications relating to the site or structure proposed for designation. Historic Environment Scotland will notify the owner/occupier and Dumfries and Galloway Council when a change is made to the List or Schedule.

Local Historic Environment Designations

5. Dumfries and Galloway Council also identify locally important archaeological sites, monuments and areas of historical interest, for example through Sites and Monuments Records. These are then protected and managed through the planning process.

Development Planning

Overview

6. Dumfries and Galloway Council are responsible for preparing local development plans (LDPs) according to the provisions of the Planning etc. (Scotland) Act 2006, and will involve Historic Environment Scotland in the LDP process as a key agency¹. Historic Environment Scotland are committed to helping Dumfries and Galloway Council to positively embed the historic environment within the development planning process, through early and effective engagement, and will fully engage with the preparation of the plan at the earliest opportunity.

Historic Environment Scotland's remit in development planning

¹ Planning Circular 6/2013

7. In commenting on vision, main issues and policy, Historic Environment Scotland will consider those aspects of the emerging Plan which affect designated and/or undesignated historic environment, but with a particular focus on the historic environment at the national level.
8. In commenting on spatial strategy, Historic Environment Scotland will focus on those areas where it has a statutory remit in the development management process:
 - Scheduled monuments and their setting
 - A listed buildings and their setting
 - B and C listed buildings (only where direct impacts are likely as a result of a proposed allocation)
 - Inventory Gardens and Designed Landscapes
 - Inventory Historic Battlefields
 - Historic Marine Protected Areas
 - Conservation Areas (only where demolition is likely as a result of a proposed allocation)

Strategic Environmental Assessment of the Local Development Plan

9. In its role as an SEA Consultation Authority², Historic Environment Scotland will provide advice and support to Dumfries and Galloway Council, to assist the Council with the assessment of the effects of the LDP on cultural heritage, specifically the historic environment. Historic Environment Scotland encourages early, informal consultation and will support an approach which combines consultation on SEA and on the plan itself. Formal consultation stages of the SEA process will be carried out via the Scottish Government's SEA Gateway.

Pre-MIR consultation

Upon request, Historic Environment Scotland will provide a Historic Environment Update Report (HEUR) which will outline the current state of national historic environment designations in the Council area, and may also raise any recurring historic environment management issues relevant to the Council's area. The HEUR is

² Environmental Assessment (Scotland) Act 2005

intended to help Historic Environment Scotland and Dumfries and Galloway Council to identify issues which will benefit from discussion during the plan making process. This information will be provided as part of Historic Environment Scotland's commitment to working closely together with planning authorities at an early stage of the plan making process.

10. As part of that commitment, Historic Environment Scotland welcomes consultation on the emerging spatial strategy and draft policy content. This will form the start of an on-going discussion between both organisations which should continue during the plan-making process. Dumfries and Galloway Council should also engage its own archaeology and conservation advisors in the plan making process from the earliest stages. This will aid Dumfries and Galloway Council in embedding the historic environment in the plan from the outset. Dumfries and Galloway Council will, wherever possible when consulting on spatial strategy (either at this stage, or later stages of the process) provide GIS shape files to support the consultation.

Main Issues Report

11. Historic Environment Scotland, along with other Key Agencies, will be consulted on the Main Issues Report (MIR) directly by Dumfries and Galloway Council. Historic Environment Scotland's comments on the MIR will focus upon the key issues for the historic environment and the spatial strategy, particularly where we have a role in the consequential development management process.

Post MIR consultation

12. Where Historic Environment Scotland have identified substantive issues in response to the MIR, Dumfries and Galloway Council should maintain on-going dialogue with Historic Environment Scotland to address concerns and discuss potential amendments (including any new spatial proposals or policies which may come forward in this period), with a view to finding satisfactory resolutions before the Proposed Plan is issued. If existing policies are being amended or updated Historic Environment Scotland would welcome the opportunity to assist with this process.

Proposed Plan

13. As with the Main Issues Report, Historic Environment Scotland will be consulted directly by Dumfries and Galloway Council. Historic Environment Scotland's comments on the Proposed Plan will focus upon key issues of national importance and will reflect any unresolved matters that have formed part of the continuous engagement process.

Supplementary Guidance, Masterplans and Development Briefs, and Action Plans

14. Dumfries and Galloway Council will engage Historic Environment Scotland in the early stages of identifying topics for and developing supplementary guidance, masterplans and development briefs which have relevance to, or will impact upon, the historic environment within Historic Environment Scotland's statutory remit. Dumfries and Galloway Council will also consult and consider the views of Historic Environment Scotland during the preparation of the LDP Action Programme

Development Management

15. Dumfries and Galloway Council is responsible for dealing with most development management casework relating to or affecting the historic environment. Historic Environment Scotland has a formal role in this process which is established by statute.³

Requirements for consultation on Development Management casework

16. There are currently three main areas in which Dumfries and Galloway Council must involve Historic Environment Scotland before a decision can be issued - listed building consent, conservation area consent and planning permission.

Listed Building Consent and Conservation Area Consent

17. As set out in the Planning (Listed Buildings and Conservation Area Consent Procedure) (Scotland) Regulations 2015, planning authorities must consult Historic

³ Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 12, and Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (SI 1992/224), Article 15 (1)(j)(iv) (from 3 August 2009 revoked (with savings) by the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008/432) review

Environment Scotland, on applications for works to A and B listed buildings, all demolitions of listed buildings and unlisted buildings in conservation areas and all applications where the local authority is the applicant.

18. Historic Environment Scotland will respond setting out any comments they may wish to provide, and indicating whether they wish to raise a formal objection to the application.
19. Historic Environment Scotland and Dumfries and Galloway Council may agree that there are certain categories of application where the Council do not need detailed advice from Historic Environment Scotland. This may be because the Council has sufficient expertise and sound policies to deal with the issue without the need for external input. This does not remove the requirement for consultation.
20. In certain cases, Historic Environment Scotland may consider that an application raises such issues that they should object. Historic Environment Scotland will in those cases set out clearly the reasons why they are objecting and will indicate whether there are any amendments or scope for mitigation which might allow them to remove that objection.
21. As set out in regulations, if the Planning Authority is minded to grant consent where Historic Environment Scotland has objected, they will be required to notify Scottish Ministers of that intention. As Historic Environment Scotland is separate to Scottish Ministers as of 1 October 2015, any further consideration of these cases is beyond the scope of this agreement.
22. Historic Environment Circular 1 sets out the detailed process for Listed Building Consent and Conservation Area Consent, and the detailed transitional arrangements.

Planning Permission

23. Under the current DMPR⁴ Dumfries and Galloway Council must consult Historic Environment Scotland on any development proposal which:

- May affect a scheduled monument or its setting; or
- May affect a Category A listed building or its setting; or
- May affect a site on the Inventory of Gardens and Designed Landscapes.
- May affect a site on the Inventory of Historic Battlefields

Under Section 83 of the 2010 Act, Dumfries and Galloway Council must consult Scottish Ministers, through Historic Environment Scotland, on any development proposal which risks hindering preservation objectives for a Historic Marine Protected area (MPA) if one exists (not currently).⁵

24. Historic Environment Scotland will provide a written assessment of the impact of the proposal on the listed building, scheduled monument or Inventory landscape, and where appropriate its setting. Where Historic Environment Scotland formally objects to a proposal under the DMPR the agency will explain its reasons for doing so and, if appropriate, will set out how its objection can be overcome.

Pre-application consultation

25. It is not always necessary for Dumfries and Galloway Council to consult Historic Environment Scotland at the pre-application stage. In most cases Dumfries and Galloway Council are able to provide sound pre-application advice to owners or developers. In complex or significant cases however, there may be a role for Historic Environment Scotland and the organisation should be involved as early as possible. This will enable Historic Environment Scotland to use its expertise to contribute to the development of creative solutions in the long term interests of the historic environment and the wider community.

⁴ DMPR

⁵ Further information on the duties of public authorities is available in Historic Environment Scotland's guidelines on the selection, designation and management of Historic Marine Protected Areas (Historic Environment Scotland 2012)

Enforcement

26. Enforcement is an important element of development management and its effective use can contribute significantly to the proper management of our historic buildings and areas. Dumfries and Galloway Council are responsible for dealing with enforcement of unauthorised works under the Planning Acts. This includes listed buildings and conservation areas, but not scheduled monuments or historic marine protected areas.

General Advice

27. Dumfries and Galloway Council are best placed to provide information and advice to local communities on works to listed buildings and within conservation areas. In addition, it falls to them to advise on the need for consent and to guide applicants on most proposals. Dumfries and Galloway Council will not normally need to seek general advice from Historic Environment Scotland on these issues.
28. In considering more complex or significant issues it may be appropriate for Dumfries and Galloway Council to seek general advice from Historic Environment Scotland. In these cases Historic Environment Scotland will endeavour to respond promptly to consultations and aim to deal with the majority of these within 21 days of receipt. For more information on what may constitute complex or significant issues please see Appendix 9.
29. In order to ensure a consistent standard of service Historic Environment Scotland's responses will set out their locus in the case. Where appropriate, the agency will also provide an assessment of the impact the proposal will have upon the historic environment having regard to national policy and guidance.
30. Where there are issues that appear to Dumfries and Galloway Council to be of more strategic significance, for example major developments within a conservation area or proposals to masterplan areas within historic settlements, then Historic Environment

Scotland may be able to provide advice. In these circumstances, Dumfries and Galloway Council should approach Historic Environment Scotland explaining what is proposed and what advice they are seeking.

Freedom of Information

31. Dumfries and Galloway Council and Historic Environment Scotland are bound by the Freedom of Information (Scotland) Act 2002 (2002 Act). The agency will therefore make all correspondence available to third parties if requested to do so, unless it falls within the exemptions outlined within the 2002 Act. For more information on Historic Environment Scotland's approach to this please refer to the agency's Freedom of Information Policy.⁶

Strategic liaison between Historic Environment Scotland and Planning Authorities

32. In addition to involvement in specific casework, Historic Environment Scotland and Dumfries and Galloway Council recognise the value of liaison on strategic issues. Historic Environment Scotland and the Dumfries and Galloway Council will ensure they:

- maintain a regular dialogue on wider historic environment issues;
- hold annual meetings to review the operation of the agreement and consider proposals for change; and
- examine ways to increase awareness of the historic environment among Dumfries and Galloway Council staff.

⁶ www.historic-scotland.gov.uk/foi

Appendix 1

National legislation, policy and guidance for proposals affecting the historic environment

Legislation

- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- The Town and Country Planning (Scotland) Act 1997
- Ancient Monuments and Archaeological Areas Act 1979
- The Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (SSI 1992/224). From 3 August 2009 revoked (with savings) by the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008/432)
- the Planning (Listed Buildings and Conservation Area Consent Procedure) (Scotland) Regulations 2015
- Planning Etc. (Scotland) Act 2006
- Marine (Scotland) Act 2010
- Historic Environment (Amendment) (Scotland) Act 2011
- The Historic Environment Scotland Act 2014

Policy

- Scottish Planning Policy and National Planning Framework
- Scottish Historic Environment Policy (SHEP)
- UK Marine Policy Statement

Guidance and Advice

- Historic Environment Scotland's guidance notes on managing change in the historic environment
- Planning Advice Note PAN 2/2011: Planning and Archaeology
- Planning Advice Note PAN 71: Conservation Area Management

- Scotland's Listed Buildings (Historic Environment Scotland, 2014)
- Scheduled Monuments (Historic Environment Scotland, 2012)
- Guidelines on the selection, designation and management of Historic Marine Protected Areas (Historic Environment Scotland, 2012)
- Historic Marine Protected Areas (Historic Environment Scotland, 2012)
- The Inventory of Historic Battlefields in Scotland (Historic Environment Scotland, 2011)
- Scheme to Apply Listed Building Control to Exterior of Churches in Ecclesiastical Use (Historic Environment Scotland, 2006)
- Technical Advice Notes (Historic Environment Scotland, various)
- Guides for Practitioners (Historic Environment Scotland, various)
- Inform: Information for Historic Building Owners (Historic Environment Scotland, various)
- The Conservation of Architectural Ancient Monuments (Historic Environment Scotland, 2001)

Appendix 2

Specialist Conservation Advice

Planning authorities deal with a range of development proposals which affect the historic environment. In preparing development plan policies and assessing development proposals they should ensure that they have access to the appropriate expertise. Broadly this will cover both archaeology and buildings issues but may include landscape, gardens, marine, urban design and other aspects relevant to the conservation of the historic environment.

There are many ways in which planning authorities can ensure that they have access to such expertise. These include employing specialists, such as archaeologists and/or conservation officers, to handle or provide comments on development applications and prepare policies for the local development plan; training development planning and development management staff to deal with such issues; using specialist external consultants or establishing shared services with adjoining planning authorities. The key issue is that whatever model is chosen it delivers the right advice and supports the best outcomes for the historic environment.

Generally staff employed in this area should be qualified in a relevant profession; have undertaken an appropriate postgraduate conservation course and be a member of the Institute for Archaeologists (IfA) or Institute of Historic Building Conservation (IHBC) depending on the role they are expected to fulfil. Where existing staff have developed a sound understanding of historic environment issues based only on experience this will also be recognised.

In addition to this it is recommended that authorities have access to an up to date historic environment record, such as the Sites and Monuments Record or equivalent.

Appendix 3

Designations

33. There is currently a range of designations relating to the historic environment, each dealing with a different aspect.

Scheduling

34. Scheduled monuments are nationally important monuments protected under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (the 1979 Act). Once a monument is scheduled, it is an offence to carry out any works, including repairs, without the prior written consent of Scottish Ministers.
35. Historic Environment Scotland is responsible for scheduling monuments and for determining applications for scheduled monument consent on behalf of Scottish Ministers. The criteria for determining which monuments are of national importance and might be scheduled are set out in the SHEP. Planning authorities have no formal role in this process, but they may nominate sites to be considered for scheduling, rescheduling or descheduling and are consulted during the scheduling process.
36. Historic Environment Scotland will notify the owner/occupier and the planning authority when any change is made to the Schedule (amending, including or excluding a monument).
37. The Historic Environment Scotland Act 2014 introduces a new right of appeal against decisions of Historic Environment Scotland which lead to inclusion of a monument in the Schedule or amendment of an entry in the Schedule. Appeals can be made by the owner, occupier or tenant of a monument on the grounds that the monument is not of national importance. There is no right of appeal against a decision to deschedule or not to schedule a monument.

Listing

38. Listed buildings are buildings of special architectural or historic interest identified under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

(1997 Act). It is an offence to carry out works affecting their character without listed building consent. Applications for listed building consent are determined by planning authorities.

Listing is carried out by Historic Environment Scotland on behalf of Scottish Ministers. Buildings are selected for listing by using the listing criteria and policy guidelines found in the SHEP and on our website. Planning authorities will normally be consulted on new listings and removals from the list. The 2014 Act (part 6, section 22) allows HES to legally state that an object or structure fixed to a listed building and/or any object or structure within the curtilage of the listed building is not to be treated as listed. This means that part(s) of a building and/or curtilage items can be excluded from the listing and cannot be treated as listed by the planning authority. Historic Environment Scotland will normally consult with the planning authority about any new listing proposals which suggest an exclusion in advance of making a final decision. Responses to consultation should normally be made within 21 days and include information about any current planning consents or applications relating to the site or structure proposed for designation.

39. Historic Environment Scotland will notify the owner/occupier/lessee and the planning authority when a building is listed, delisted or an existing listing is substantially updated.
40. The Historic Environment Scotland Act 2014 introduces a new right of appeal against decisions of Historic Environment Scotland which lead to inclusion of a building on the list or an amendment of the statutory address of an existing listing. Appeals can be made by the owner, tenant or occupant of a building on the grounds that the building is not of special architectural or historic interest and ought to be removed from the List. There is no right of appeal against delisting or decisions not to list.
41. Planning authorities are encouraged to propose additions, removals and revisions to the list using our online proposal form. Historic Environment Scotland welcome early engagement where major development proposals are being considered and we will prioritise targeted reviews of specific sites to ensure that the local authority and/or developer have a clear understanding of the significance of a site at the beginning of the planning process. Local authorities can apply, or suggest to developers that they apply, for a Certificate of Intention not to List – a legal guarantee that a building will not be listed for five years. In exceptional circumstances, we may not list a building

which is found to meet the criteria for listing or review an existing listing. These circumstances may include planning applications which affect the character of the building, an appeal period or appeal against refusal of planning permission, and/or other development proposals. Planning authorities can, however, serve a Building Preservation Notice on buildings which they consider may be of special interest and which are at risk of demolition or extensive alterations. A Building Preservation Notice lists a building for six months during which time we will consider whether the building should be listed. We will prioritise any proposal which is generated as a result of a Building Preservation Notice.

Historic Marine Protected Areas

42. Under Section 67 of the Marine (Scotland) Act 2010 (the 2010 Act), Scottish Ministers may designate Historic Marine Protected Areas (Historic MPAs) to protect marine historic assets of national importance within Scottish territorial waters. This new designation, designed to align with Scotland's emerging new marine planning system, has replaced use of section 1 of the Protection of Wrecks Act 1973 in Scotland.
43. Schedule 4 of the 2014 Act modifies the Marine (Scotland) Act 2010 to make provision for Historic Environment Scotland's functions in relation to the marine environment. Historic Environment Scotland will advise Scottish Ministers (Marine Scotland) on Historic Marine Protected Area designation and regulation.
44. Historic Environment Scotland is the lead organisation on behalf of Scottish Ministers and will consult planning authorities on Historic MPA designation proposals within their area. Once designated, planning authorities must take account of Historic MPAs in exercising their functions and take advice from Historic Environment Scotland. This duty covers functions such as the preparation of development plans or consideration of planning applications for works that are capable of significantly affecting the preservation objectives for a Historic MPA.

Conservation Areas

45. Conservation areas are areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance.⁷
46. Conservation areas are designated by planning authorities in consultation with local residents, occupiers and other interested bodies. Historic Environment Scotland should normally be consulted on proposals to designate a conservation area and be informed when a conservation area is designated or the boundary is amended.⁸

Inventory of Gardens and Designed Landscapes

47. Sites included within the Inventory are defined as being of national importance. Where development is proposed on or near such a site, planning authorities should consult Historic Environment Scotland and take account of the impact of the proposed development on the site.⁹
48. Historic Environment Scotland is responsible for compiling the Inventory on behalf of Scottish Ministers. The selection of Gardens and Designed Landscapes is guided by the policies and criteria found in the SHEP. Planning authorities will be consulted on proposed additions and removals from the Inventory as well as boundary changes. Planning authorities are encouraged to propose additions, removals and revisions to the Inventory using our online proposal form.
49. There is no right of appeal against a decision to include a Garden and Designed Landscape in the Inventory.

Inventory of Historic Battlefields

50. Sites included within the Inventory of Historic Battlefields are nationally important. Where a significant development is proposed on or near an Inventory Battlefield, planning authorities should consult Historic Environment Scotland, taking account of

⁷ Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 61 and 64

⁸ Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 61 and 62

⁹ Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (SI 1992/224), Article 15 (1) (j) (iv) (from 3 August 2009 revoked (with savings) by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008/432); Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 2007 (SI 2007/4).

the potential impact of the proposed development on the site and consider mitigation strategies.¹⁰

51. Historic Environment Scotland is responsible for compiling the Inventory on behalf of Scottish Ministers. The criteria for selecting battlefields for inclusion in the Inventory are set out in the SHEP. Planning authorities are consulted on proposed sites within their area and may nominate battlefields to be considered for Inventory status.
52. There is no right of appeal against a decision to include a battlefield in the Inventory.

Further information on designation can be found on:

www.historic-scotland.gov.uk/index/heritage.htm

And in the following publications:

- www.historic-scotland.gov.uk/scheduled-monuments.pdf
- www.historic-scotland.gov.uk/historic-shipwrecks.pdf
- www.historic-scotland.gov.uk/scotlands-listed-buildings.pdf
- www.historic-scotland.gov.uk/listing_proposal_form_updated.pdf
- www.historic-scotland.gov.uk/tinventory-of-historic-battlefields-in-scotland.pdf

To view or download designation information please see:

- **Scheduled monuments:** www.historic-scotland.gov.uk/index/heritage/searchmonuments.htm
- **Listed buildings:** www.historic-scotland.gov.uk/index/heritage/historicandlistedbuildings.htm
- **Gardens and designed landscapes:** www.historic-scotland.gov.uk/index/heritage/gardens/gardenssearch.htm
- www.historic-scotland.gov.uk/index/gardens/gardenssearch/gardens-inventory-documents
- **Historic Marine Protected Areas:** www.historic-scotland.gov.uk/index/heritage/wrecksites/scotlands-historic-wrecks.htm

¹⁰ Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, as amended by the Town and Country Planning (Development Management Procedure) (Scotland) Amendment Regulations 2012 (SI 2012/165).

- **World Heritage Sites:**
www.historic-scotland.gov.uk/index/heritage/worldheritage/world-heritage-sites-in-scotland.htm
- **Historic battlefields:** www.historic-scotland.gov.uk/battlefields
- **Geographic information data for all designations is available on Historic Environment Scotland's data website:** <http://data.historic-scotland.gov.uk>
- **To also see information on the undesignated historic environment:**
www.pastmap.org.uk

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Appendix 4

Guide to the information required for consultations with Historic Environment Scotland on proposals affecting the historic environment

In order to be able to assess any development proposal affecting the historic environment effectively and efficiently it is important that certain basic pieces of information are provided. The Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997¹¹ and the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas)(Scotland) Regulations 1987¹² set out the information an applicant should include in a listed building or conservation area consent application, this includes any information the planning authority needs to enable them to determine the application. The planning authority should advise applicants and agents on the type and amount of information needed, which will vary according to the kind of development proposed, but in most cases the following will be required:

- Application forms;
- A site plan to a scale of at least 1:2500;
- Accurate, existing and proposed scale drawings comprising, where appropriate, relevant elevations, plans and sections;
- A statement of significance which demonstrates an understanding of the historical, archaeological or architectural interest of the site;
- A statement outlining the impact of the works proposed upon the special interest of the building; and
- Design and Access Statements as appropriate.

Drawings should be at a sufficient scale to show the impact of the proposals on the building, landscape or monument and its setting, usually 1:50. Larger scale drawings should be provided for detailed elements such as windows and door joinery, decorative

¹¹ Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, Section 9(2)

¹² Town and Country Planning (Listed Buildings and Buildings in Conservation Areas)(Scotland) Regulations 1987 (SI 1987/1529), Regulation 3(1) and (2)

plasterwork, ironwork etc. Plans, elevations and sections as existing should clearly indicate areas proposed for down-taking or demolition.

In addition, and depending upon the nature of the proposals, it may be helpful for applicants to submit the following:

- Photographs showing the site, its context and the area of proposed change;
- Perspectives, photomontages, models or computer visualisations to show the impact of new works; and
- Landscape works, to include contours and planting schemes.

Demolition

Where the proposal involves the demolition of a listed building or an unlisted building in a conservation area, a statement of justification should be provided. This should set out the applicant's case based on one or more of the following:

- Where the applicant believes the building is not of sufficient interest to be listed or, in the case of an unlisted building, fails to make a positive contribution to the character of the conservation area, a statement outlining the evidence to support this assertion should be provided;
- Where the applicant believes the building is incapable of repair, a detailed survey should be provided highlighting the issue(s) which cannot be resolved;
- Where the applicant believes that the building is capable of repair but that this is not economically viable to achieve, a detailed survey should be provided together with a priced schedule of works for the repair of the building and evidence of the value of the building once repaired. In addition it will normally be important to show that the building has been marketed for a reasonable period, normally not less than 6 months; and
- Where the applicant believes that the replacement scheme offers significant community benefits a statement should be provided which explains the nature of these benefits and how they cannot be realised if the building is retained.

Further guidance on this is set out within the SHEP and related Historic Environment Scotland guidance.

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Appendix 5

Listed Building Consent

Subject to annual review and agreement, Historic Environment Scotland does not intend to provide detailed advice on applications for Listed Building Consent for the following types of application with Dumfries and Galloway Council area. This does not infer that Historic Environment Scotland considers that these types of work are not significant, but recognises that Dumfries and Galloway Council has appropriate policies in place and sufficient access to expertise.

External Works

1. The alteration, replacement, removal or installation of:
 - external doors
 - gutters and downpipes
 - railings
 - windows
 - roof coverings
 - rooflights
 - stonework or masonry finishes
 - chimneys
 - steps and external stairs
 - ramps
 - external decoration
2. Single storey extensions where:
 - the floor area of the resulting building is up to 20m² greater than the original;
 - the height of the resulting building would be below the height of the highest part of the original; and
 - the development would be less than 4m in height.
3. Installation of:
 - modern fittings (e.g. aerials, alarm boxes, CCTV, plant ducts and associated fixtures);
 - utilities (e.g. electrics, gas, plumbing, telecommunications etc.); and
 - micro-renewables.
4. Alteration, replacement or installation of:
 - shopfronts;
 - awnings;
 - ATMs; and
 - signage.

Internal Works

5. Subdivision of rooms

6. Creation of openings between rooms (excluding perforation of floor plates and ceilings)
7. Installation of modern fittings (e.g. suspended ceilings, kitchens, bathrooms, office furniture, bookcases etc.)
8. Alteration, replacement, removal or installation of:
 - floor surfaces and finishes;
 - doors and associated joinery;
 - shutters, pelmets and rods;
 - modern services (electrics, gas, plumbing, telecommunications etc.);
 - tiles;
 - chimney pieces/fireplaces;
 - decorative plasterwork;
 - decorative wall coverings, fixed tapestries and decorative paints (which form part of an architectural scheme);
 - built-in furniture (e.g. pews, wardrobes, cupboards); and
 - decorative timber joinery (e.g. panelling, dado rails, picture rails, skirting boards).