



TOWARDS A LONG-TERM STRATEGY FOR HERITAGE DESIGNATION

SEPTEMBER 2024



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

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Front cover: view of King's Knot Gardens with the west facade of the palace at Stirling Castle in the background.

SETTING THE SCENE

We have produced this discussion paper to inform development of a long-term strategy for Scotland's national-level historic environment designations.

INTRODUCTION

Delivery of national-level designations is a key function of Historic Environment Scotland (HES) and a foundation for a range of decision-making, from planning-decisions to maintenance of historic properties and investigation of archaeological sites.

How a place is designated is relevant to a range of organisations and people, from owners to developers, local authorities and communities.

The context for national-level heritage designation has undergone huge change through the 20th century, and the pace of change is increasing. Society values heritage in different ways and how we operate has evolved to reflect changing practices and priorities.

Delivery of national-level heritage designation is resource-intensive, for HES and more widely. As a public body, we have to think carefully about where to put our resources. This, alongside wider societal and environmental change, has led us to undertake a strategic review of national-level historic environment designation in Scotland.

The strategic review is an opportunity to reflect on what we do and to consider whether the current approach is the right one and fit for the future.

The intended outcome of this review will be a strategic plan that sets out a sustainable long-term approach to delivering national-level heritage designations for Scotland, that has support from stakeholders and the wider public and is fit for current and emerging challenges and opportunities.

While we are keen to discuss appetite for longer-term changes to systems, it is important to recognise that longer term changes to the law and systems would depend on the availability of resource and would require detailed wider consideration. Furthermore, while HES can advocate for legislative change, any decision to pursue changes in the law would be for the Scottish Government, through the Scottish Parliament.

PURPOSE

This discussion paper is for individuals and organisations with an interest in the recognition and protection of Scotland's historic environment.

We hope it will encourage a conversation about how HES recognises and protects some of Scotland's most important historic sites and places.

The paper draws on the findings of an internal study, State of Designations, undertaken in 2023-4 to provide baseline evidence for the review.

The figures provide a snapshot as of November 2023. Changes since then are relatively small.

The following pages examine the current position with the delivery of HES designation functions.

We then examine each of the five national-level designations we administer or for which we advise Scottish Government, from the state of the records, to what is currently designated, along with key issues, challenges and opportunities.

WHAT ARE THE POTENTIAL ISSUES FOR DISCUSSION?

The following issues cut across delivery of our national designation functions.

- There are many sites and places that meet the current criteria for designation and are not designated.
- We are aware that there are sites currently designated that would not meet the current criteria or that no longer exist.
- Some aspects of our heritage are not eligible for designation – for example, certain types of cultural landscape, and natural sites with clear cultural significance.
- Coverage of designations across Scotland is inconsistent. The systematic surveys of many areas in Scotland which informed generations of designations are dated, and in some cases about 120 years old.
- Systematic designation survey in the way it was carried out in the past cannot be achieved quickly at scale in a way that satisfies current requirements for consultation, communication and notification.
- A very large number of designation records do not meet current standards. Newer records may be very detailed and include images; however, many of our records are old and say little about what is designated, and why. In some cases it may be difficult to tell if a site or place is designated at all.
- A large number of the older records do not reflect a modern understanding of cultural significance. Furthermore, records may contain language that we would not use today.
- Our designations data is not structured to industry standards. This together with a lack of use of thesaurus terms for listed buildings makes it difficult to search for and analyse thoroughly and to use for a widening range of research and decision-making purposes, for example using automated systems.
- The quality of our data and how we approach the delivery of our designation functions has an impact on the historic environment, and on people, communities and business but we're uncertain how the level of that impact is understood.

WHAT DO WE WANT TO LEARN?

We hope this discussion paper will help you engage with the following questions and give us your views on the functions as a whole:

- Do you agree with the issues we have set out opposite? Are there any others?
- Is the current legislation and system fit for the challenges of the future?
- Are we protecting the right things in the right places?
- Are we using the right types of designation?
- Are we providing the information that people need?
- Is the information clear and easy to understand and use?
- Where should resources be focussed to maximum impact?
- What if any long-term changes should be considered to the legislation and systems?

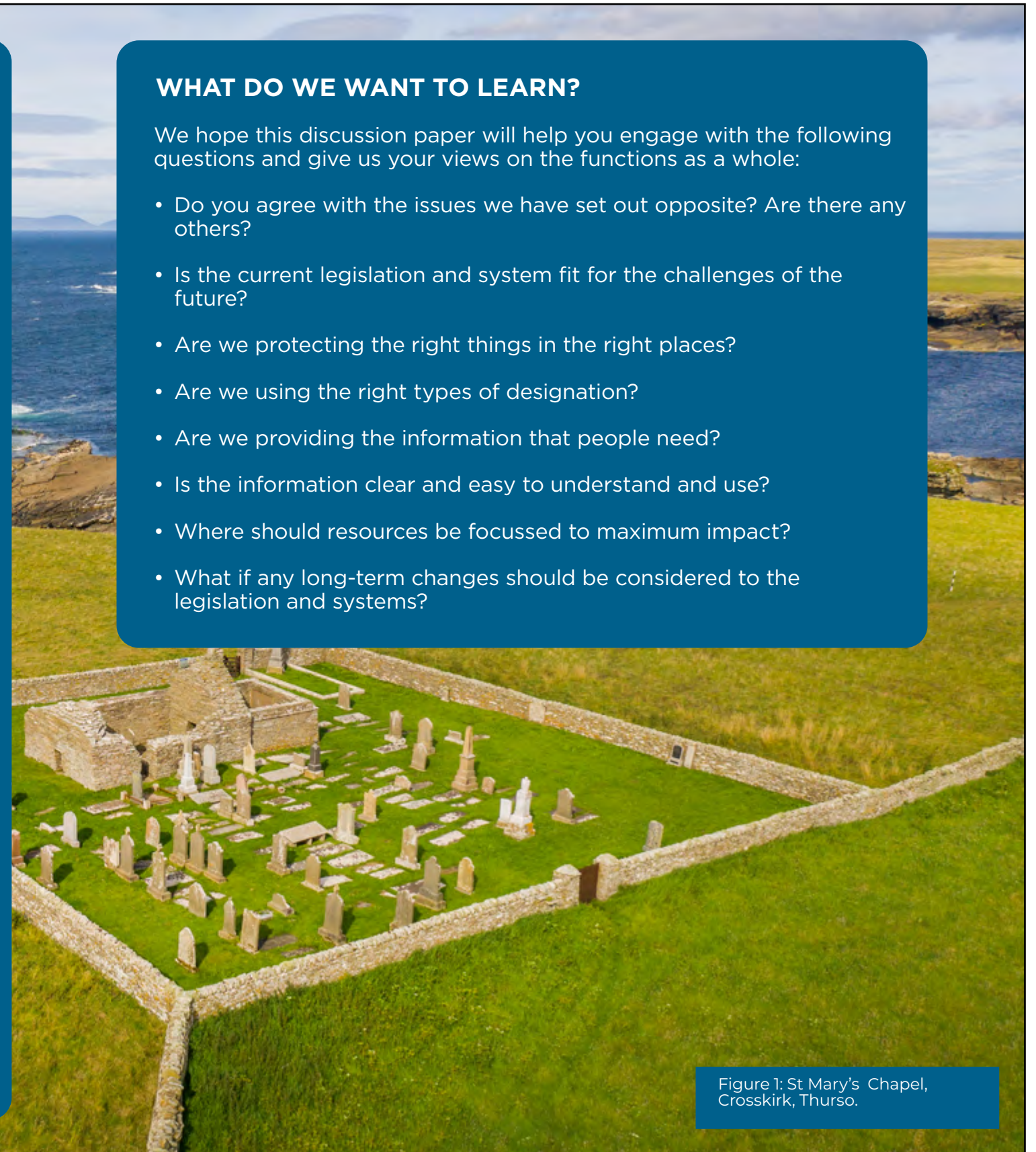


Figure 1: St Mary's Chapel, Crosskirk, Thurso.



Figure 2: Inspecting sections of 18th century military road heritage, including the Wade Bridge in Aberfeldy, Perthshire.

CHAPTER ONE - HISTORIC ENVIRONMENT DESIGNATION IN SCOTLAND.

DESIGNATION - WHAT, WHERE, WHY AND HOW?

From our remotest islands to our busiest cities and even underwater, our designated sites and places tell us about Scotland's history and contribute to our identity. They help make Scotland a great place to live, work and visit.

We use the term historic asset or heritage asset to describe a building, monument, site, place, area or landscape that has some kind of cultural significance.

Designation is the legal recognition of some of our most culturally significant historic sites and places. It ensures these places are recognised by law

through the planning system and other regulatory processes. Undesignated heritage assets do, however, receive due consideration through national planning policy.

HES is responsible for taking decisions on four national-level historic environment designations. We also advise the Scottish Government about historic marine protected areas.

Table 1 summarises information about the five designations for which HES has a responsibility: how many sites and places are designated, the level each is designated at, what they cover, and who decides. In total across the five designations, we manage and publish designation records for over 55,000 designated sites and places across Scotland.

Table 1: The five national-level historic environment designations covered by the discussion paper. HES has powers to designate conservation areas but has not used these powers.

Question	Scheduled monuments	Listed buildings	Gardens and designed landscapes	Historic battlefields	Historic marine protected areas
How many?	Around 8,000	Around 47,000	Around 360	40	8
What level are they designated at?	National importance	Three categories: A, B and C	National importance	National importance	National importance
What are they?	Archaeological sites and structures (such as prehistoric burial mounds, Roman forts, early Christian carved stones, defences (from 8000 years ago to the Second World War).	Structures (such as bridges, churches, houses, schools, mostly from after 1500 up until the early 1990s.	Grounds consciously laid out for artistic effect (such as country estate landscapes, botanic gardens, urban parks and cemeteries).	Landscapes on which major battles took place (such as Culloden and Bannockburn).	Marine historic assets such as particularly significant shipwrecks.
Who decides?	HES	HES	HES	HES	Scottish Ministers

HOW PRACTICE HAS EVOLVED?

Since designation of Scotland's historic environment began in 1882, much has changed as each generation has responded to changes in practice and priorities, and what it considers significant.

HES currently carries out designation work by adding, reviewing, amending and removing designations, and making minor changes to existing designation records.

Our priority in recent years has been to:

- Improve the quality of our designation records and spatial data.
- Undertake designation projects which address gaps in our understanding of sites or places.
- develop partnerships by planning and undertaking our projects with the participation of stakeholders.

More information on how HES performs its designation functions is available on the [advice and support section](#) of our website.

THE CURRENT POSITION?

Since HES was created in 2015, we have given statutory protection to 407 sites and places, and processed around 10,000 individual designation decisions.

We have provided other statistics related to the current delivery of our designation functions in [Annex A](#).

KEY ISSUES

- Growing expectations around public consultation and the introduction of a system of appeals in 2015 are factors in our processes becoming more complex.
- Our designation records are becoming more detailed in response to challenges and require more research, and our cases are taking longer to complete.
- These factors are having an impact on the volume of work we are able to undertake and timescales have an impact on stakeholders.

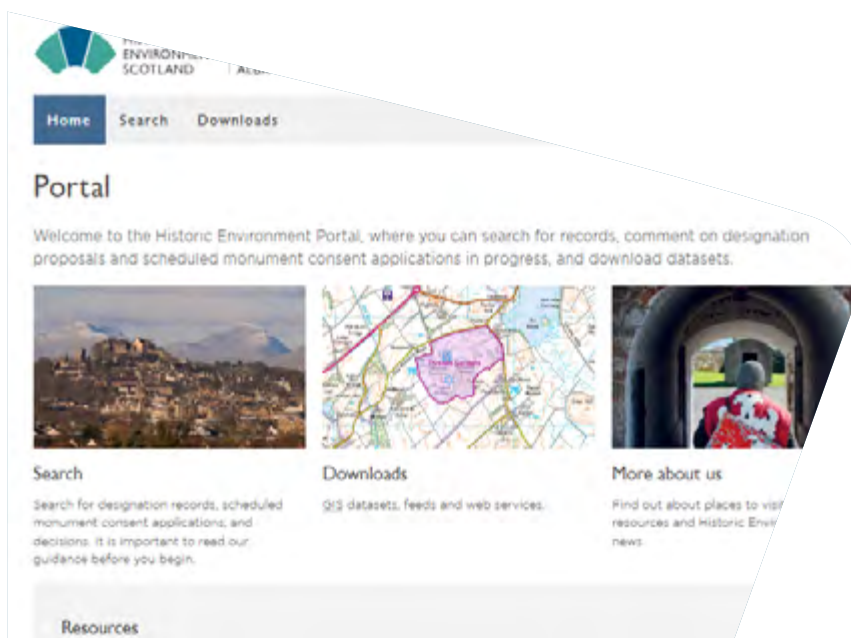


Figure 3: Information about designated sites and places is published as maps and records online on our [Heritage Portal](#).

CHALLENGES AND OPPORTUNITIES

Resourcing improvements to our records

Our designation records vary in quality albeit given the age of some records this is not unexpected. Improving existing records is resource-intensive: creating polygons for 47,000 listed building records would be a major undertaking as would creating descriptions and statements of national importance for all schedulings.

- **The challenge:** How to balance improving existing records alongside work to assess sites and places for designation within available resources. Moving faster to improve records could mean we do less work on external proposals and new designations.
- **The opportunity:** To understand stakeholder expectations and priorities so that we can design the task clearly and develop a sustainable approach.

Equality

We are committed to improving access to and widening participation in Scotland's historic environment.

- **The challenge:** We are seeing an increase in participation in our work. We want to continue that trend and we know we must actively seek to engage more widely.
- **The opportunity:** To improve how we engage with the public on designation cases. This will enable us to reach a more diverse society and ensure that we are undertaking our consultations as effectively and efficiently as possible.

Inclusive heritage

Many older designation records do not reflect a modern understanding of cultural significance and may contain language we would not use today. Inclusive heritage is about taking action to better represent contemporary society and to recognise the breadth and diversity of the past.

- **The challenge:** To address issues with designation records within our available resources in a context where understanding of cultural significance is constantly evolving.
- **The opportunity:** Develop ways to respond to sensitivities and other issues as they arise. Making it easier for the public to tell us about poor-quality or inaccurate records could allow us to 'flag' issues so that our users are forewarned. We can then consider how to prioritise these records for review.

Adapting to the digital age

Our records are increasingly accessed in ways, and used for purposes, other than those originally intended.

- **The challenge:** Increasingly our records are viewed as digital data. Uses now include enquiries about property ownership and insurance, to wellbeing contribution and energy efficiency. How our data is held and structured makes it difficult to interrogate in isolation, or alongside other data. We need to adapt to an era of open data, data-mining and Artificial Intelligence.
- **The opportunity:** To develop our data strategy - seeking ways to restructure and develop our data and to make it more accessible. For example, we are looking at how to link the Ordnance Survey's Unique Property Reference Number (UPRN) with our listed buildings data.



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Scheduled monuments



Figure 4: Ardtornish Castle (SM2906), Morvern, overlooks the Sound of Mull.

CHAPTER TWO - SCHEDULING

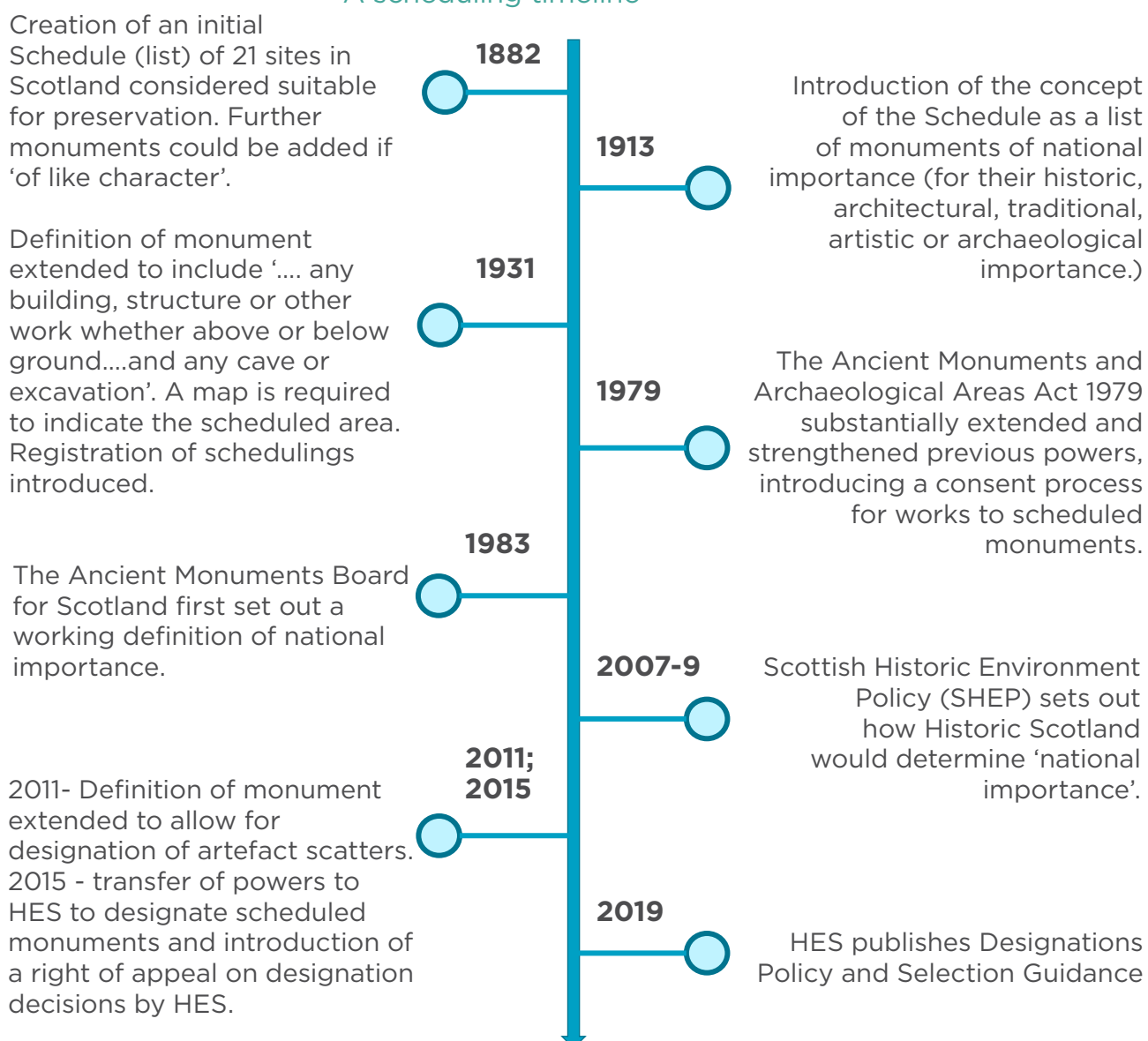
Scheduling is the process that identifies, designates and provides statutory protection for monuments of national importance as set out in the Ancient Monuments and Archaeological Areas Act 1979.

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.

HOW PRACTICE HAS EVOLVED

- Scheduling began in 1882 with the Ancient Monuments Protection Act 1882. Since then successive acts have updated the legal framework.
- The requirements in law for scheduling have always been brief, so policy has been developed to help in deciding what can be designated.

A scheduling timeline



Over the decades since the 1880s, the pace at which monuments have been added to the Schedule has changed (figure 5).

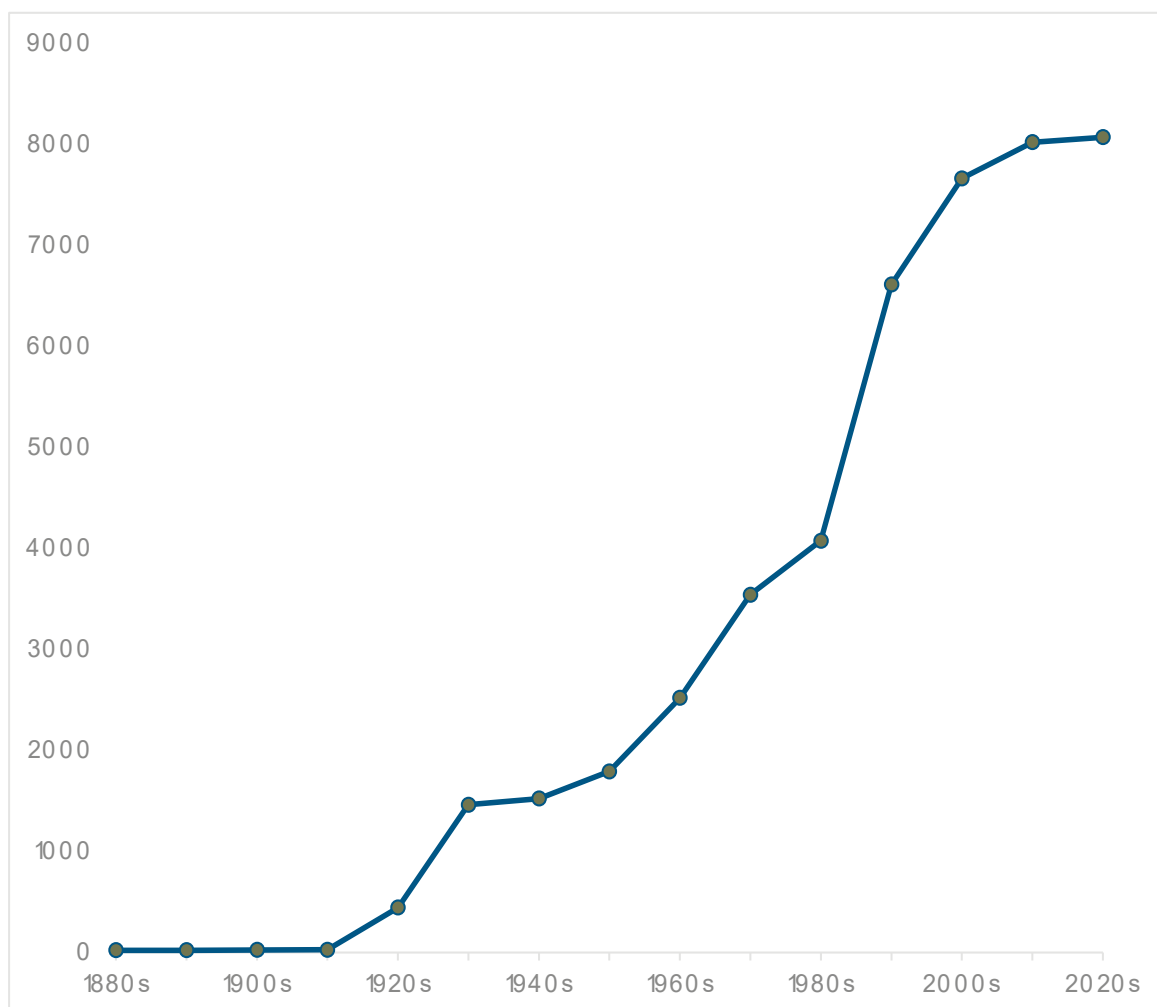


Figure 5: line graph of the growth of the Schedule since the 1880s.

- The line graph shows significant periods of scheduling activity during the 1920s and 1990s.
- From the early 2000s there was a shift towards an area-based approach. The strategic scheduling programme aimed to survey the whole of Scotland in a 30-year cycle, producing an up-to-date Schedule for the whole country
- In 2006, a revised national programme set out to cover a shorter, 10-year period.
- From around 2010, there is a reduction in the numbers of new schedulings as priorities changed to focus mainly on improving the quality of existing scheduling records.
- This remains the current focus for scheduling.

THE CURRENT POSITION

Record quality

- 25% of scheduled monument records have very brief descriptions, often simply a descriptive name. 32% have no statement of national importance.
- Record quality has improved but around 30% are still older, unrevised records:
 - Pre 1980s – very brief descriptions and will not explain why the monument is of national importance. Mapping will not be to current standards.
 - Later 1980s – more detailed descriptions, often a short summary of national importance and a marked-up 1:10,000 OS map extract.
 - 2001 onwards – schedulings were produced using GIS mapping and will have adequate descriptions and a statement of national importance.
 - Post 2010 – a fuller description of the monument and an explanation of its national importance. The map showing the scheduled area is produced on OS MasterMap and will be at an appropriate scale.
- Digital spatial data is important for locating designated sites. Digital scheduling boundary polygons began in the 2000s but some are misplaced or there are issues with depiction against modern base maps. Improvements since 2016 have reduced 5100 known record issues to 2085 but 560 scheduled monuments require a full review.
- Use of a thesaurus enables categorisation by scheduled monument type. However, the thesaurus is different from that used in the National Record for the Historic Environment (NRHE), which may hinder searches across our databases.

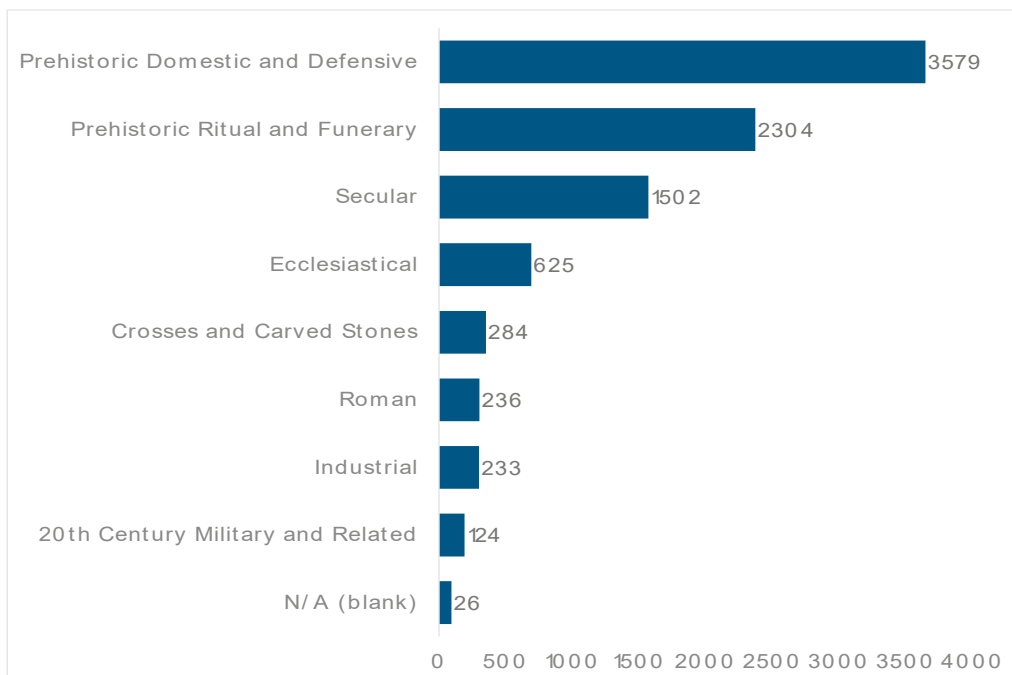


Figure 6: Bar chart with numbers of scheduled monuments by category.

Coverage

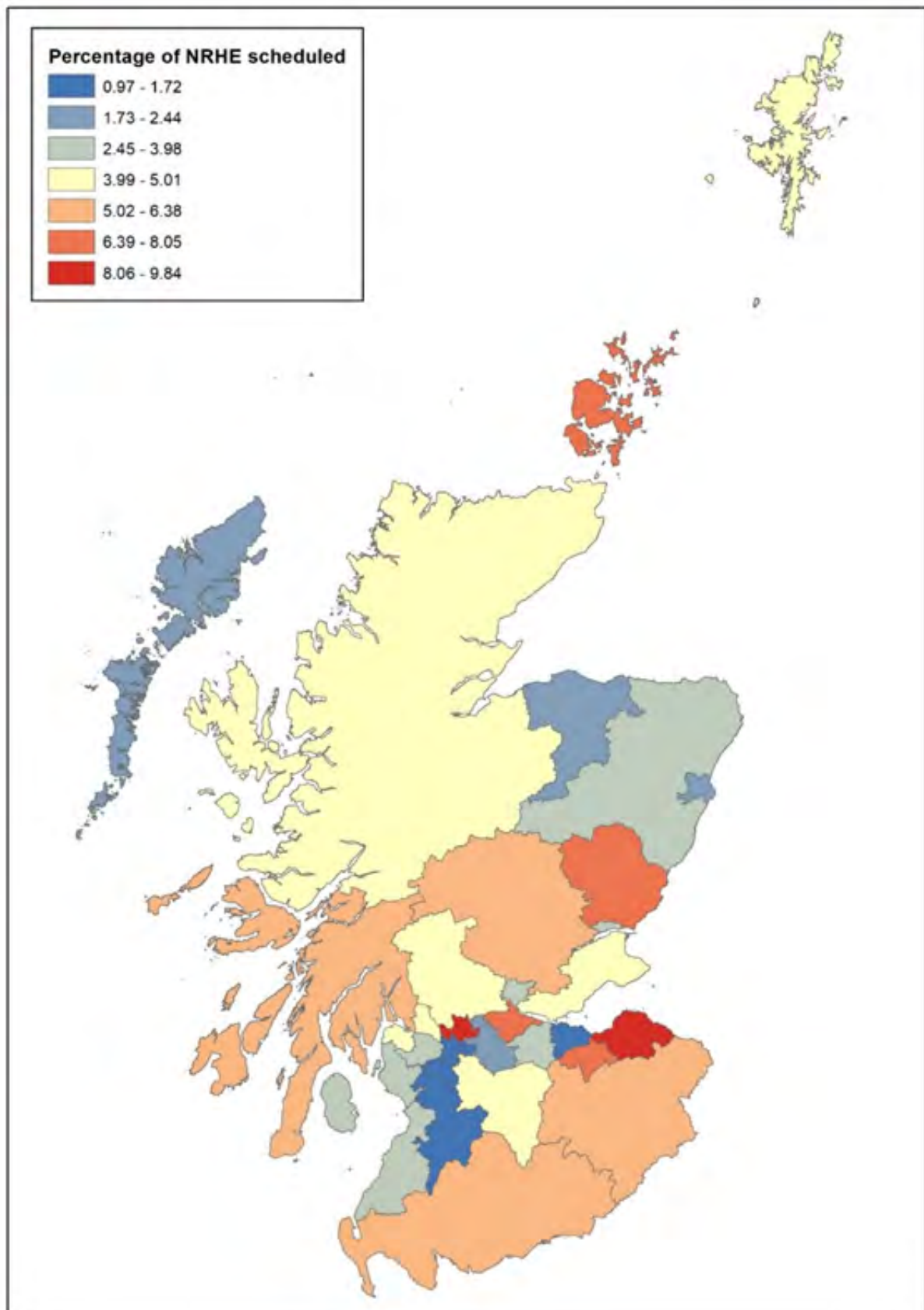
We lack detailed evidence and analysis of how representative the Schedule is of the known archaeological resource as a whole.

- The NRHE, which contains records covering both designated and undesignated sites, can provide an indication of differences in coverage between known archaeological sites and schedulings.
- Around 5% of the archaeological sites and monuments in the NRHE are covered by scheduling. However, this percentage varies across Scotland.
- We have identified areas where we think there may be a higher or lower proportion of monuments scheduled. However, we are uncertain about whether potential gaps are real or a consequence of the specific nature of those areas.
- Figure 8 suggests that East Lothian and East Dunbartonshire council areas stand out as having the greatest percentage of sites recorded on the NRHE scheduled. Meanwhile East Renfrewshire, East Ayrshire, Glasgow and Edinburgh have the lowest percentage of scheduled sites, with the Western Isles, Moray, Aberdeen City and North Lanarkshire not far behind.
- However, the Schedule for East Dunbartonshire is mostly sites designated as part of the Antonine Wall, a World Heritage Site, while urban local authority areas (Glasgow, Edinburgh and Aberdeen City) are likely to have proportionally fewer scheduled monuments due to their built-up nature. Smaller local authorities with a small number of sites on the NRHE in contrast may appear to have a disproportionate number of sites scheduled.



Figure 7: Aerial view of Rough Castle, Antonine Wall (SM90013)

Figure 8: map of Scotland with percentage of archaeological sites and monuments recorded in the NRHE that are scheduled



KEY ISSUES

- Poor quality mapping and uncertainty about what is scheduled on the part of owners, occupiers and others may be a factor in damage or loss to monuments. Unauthorised works can potentially culminate in enforcement action, impacting on those concerned.
- Poor quality scheduling records may compromise decision-making through the scheduled monument consent regime as well as efforts to enforce scheduled monument regulations.



Figure 9: Scheduled Monument signage.

- This issue can also impact decisions in the planning and land-use management systems particularly in areas of high development/land use pressure and may also have implications for research and grant-funding.
- There is remaining uncertainty about whether the right monuments are scheduled in the right places. Determining gaps in scheduling coverage, would require significant resources to investigate fully.

CHALLENGES AND OPPORTUNITIES

Owners of designated assets within areas undergoing change are likely to benefit from accurate designations to inform decision-making.

Forestry and woodland

- **The challenge:** A significant number of our scheduled monuments are sited in commercial forestry or native woodland and are more likely to be affected by forestry operations, woodland creation or restoration.
- **The opportunity:** To provide higher quality scheduling records and high-quality mapping to inform land-use decisions through effective prioritisation in areas of forestry or woodland undergoing planned change.

Cropmark scheduled monuments and agriculture

- **The challenge:** Buried archaeological sites visible only through aerial photographs present particular challenges such as lack of awareness
- **The opportunity:** To improve communication around why we schedule cropmarks and their value and to continue work to review scheduled areas building on our current understanding of these types of sites, their rarity and distribution.

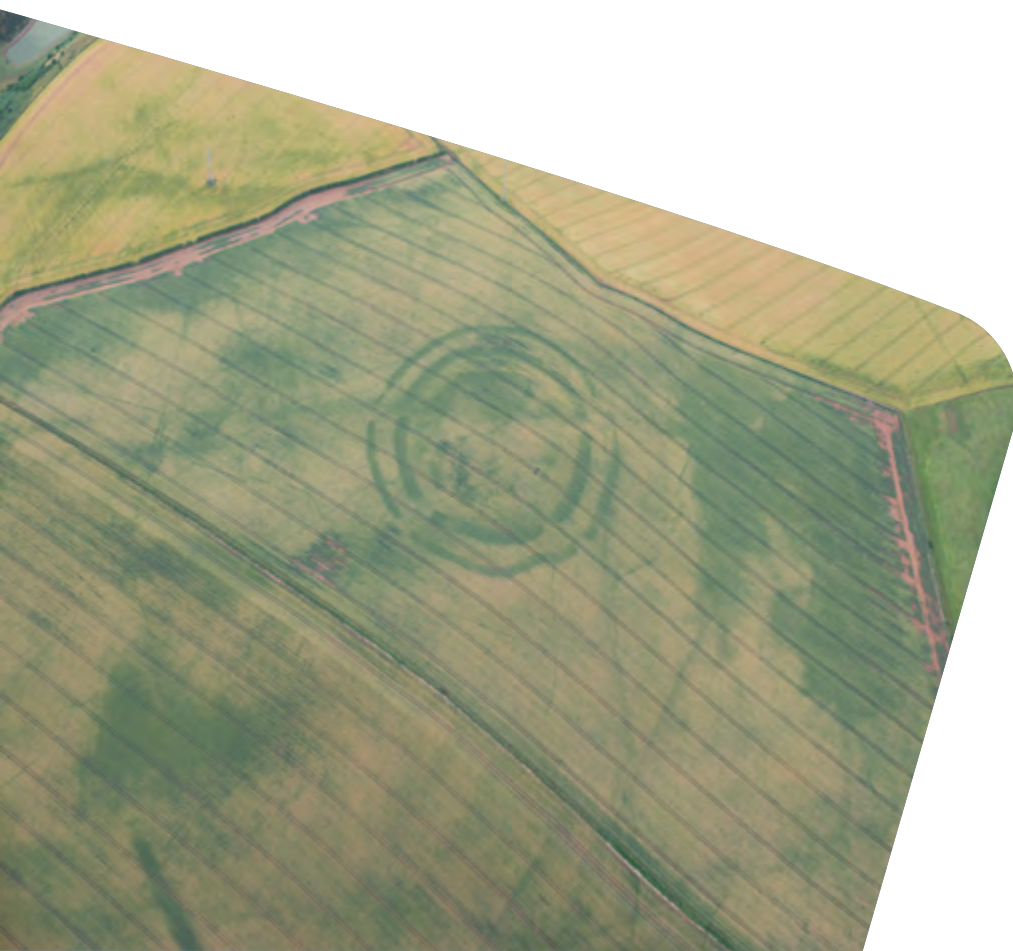


Figure 10 The Chesters, fort (SM5766). Cropmarks record buried archaeological sites and features, including large numbers of prehistoric sites, that appear on aerial photography. Scheduled cropmarks make up 5% of the recorded archaeological sites on the NRHE and around 13% of the schedule.



46,767

Listed buildings



Figure 11: listed tenement flats, Darnley Street, Glasgow.

CHAPTER THREE - LISTING

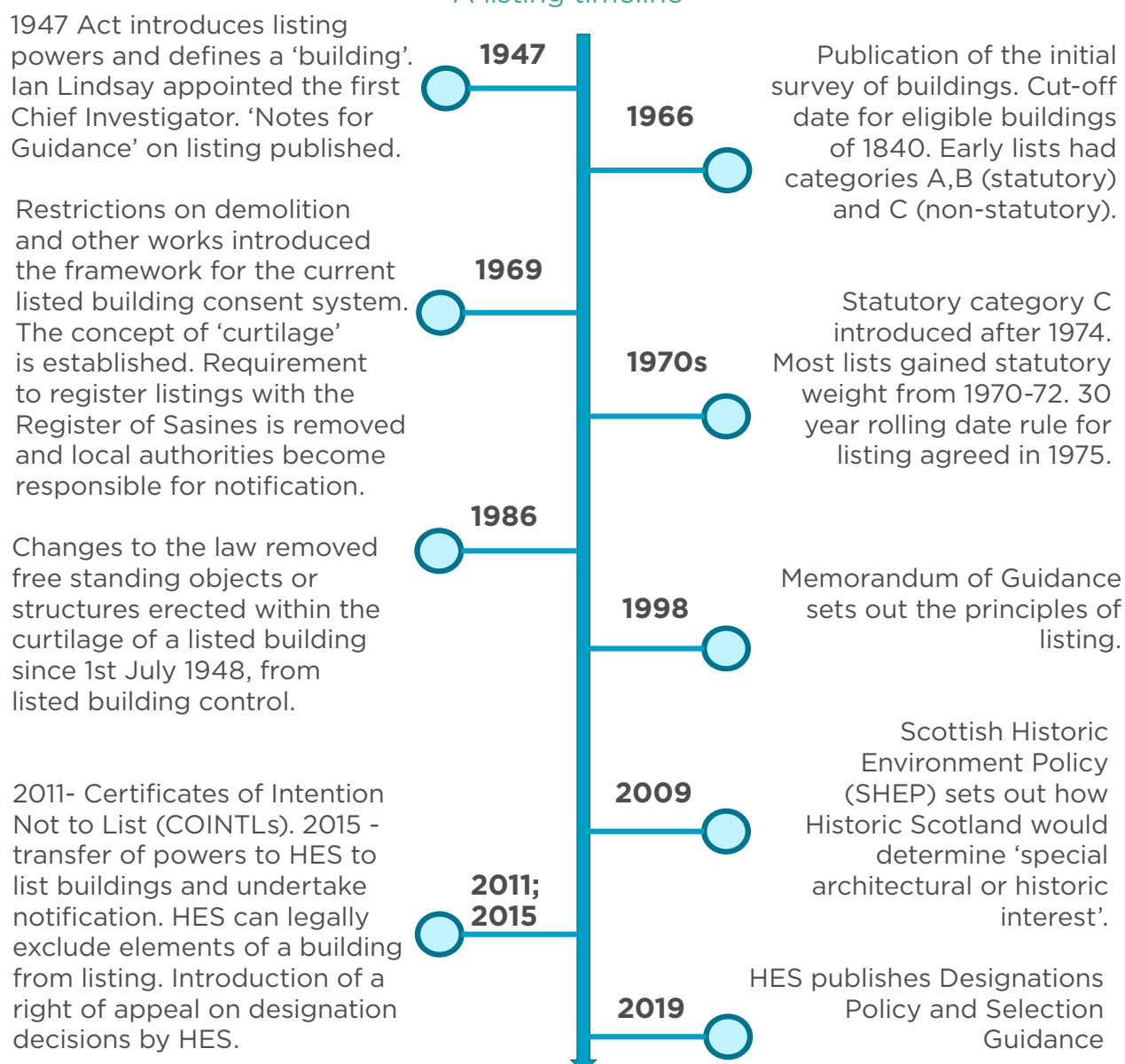
Listing is the process that identifies, designates and provides statutory protection for buildings of special architectural or historic interest as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The term 'building' can be defined as anything made by people, and can include houses, schools, and factories, but also a great variety of other structures such as boundary walls, bridges, fountains and sculptures.

HOW PRACTICE HAS EVOLVED

- Listing began in Scotland under the Town and Country Planning Act (Scotland) 1947. Since then successive acts have updated the legal framework for listing.
- The requirements in law for listing have always been brief, so policy has been developed to help in deciding what can be designated.

A listing timeline



- In terms of listing activity, the work of surveying the country was initially carried out by fee paid investigators, mostly architects, with the first survey not published in full until after 1966.
- Figure 12 shows that the 1970s saw the greatest increase in the size of the List after the first survey of Scotland was made statutory in its entirety.
- Throughout the 1980s and 1990s a programme of area resurvey had begun.
- Listing activity was reduced towards the end of the 1990s due to gradual changes in work practices.
- The number of new listings has reduced further over the more recent decades. This is at least in part because, following the extensive surveys that produced the List, much of the focus has been on re-survey or maintenance of the existing records.

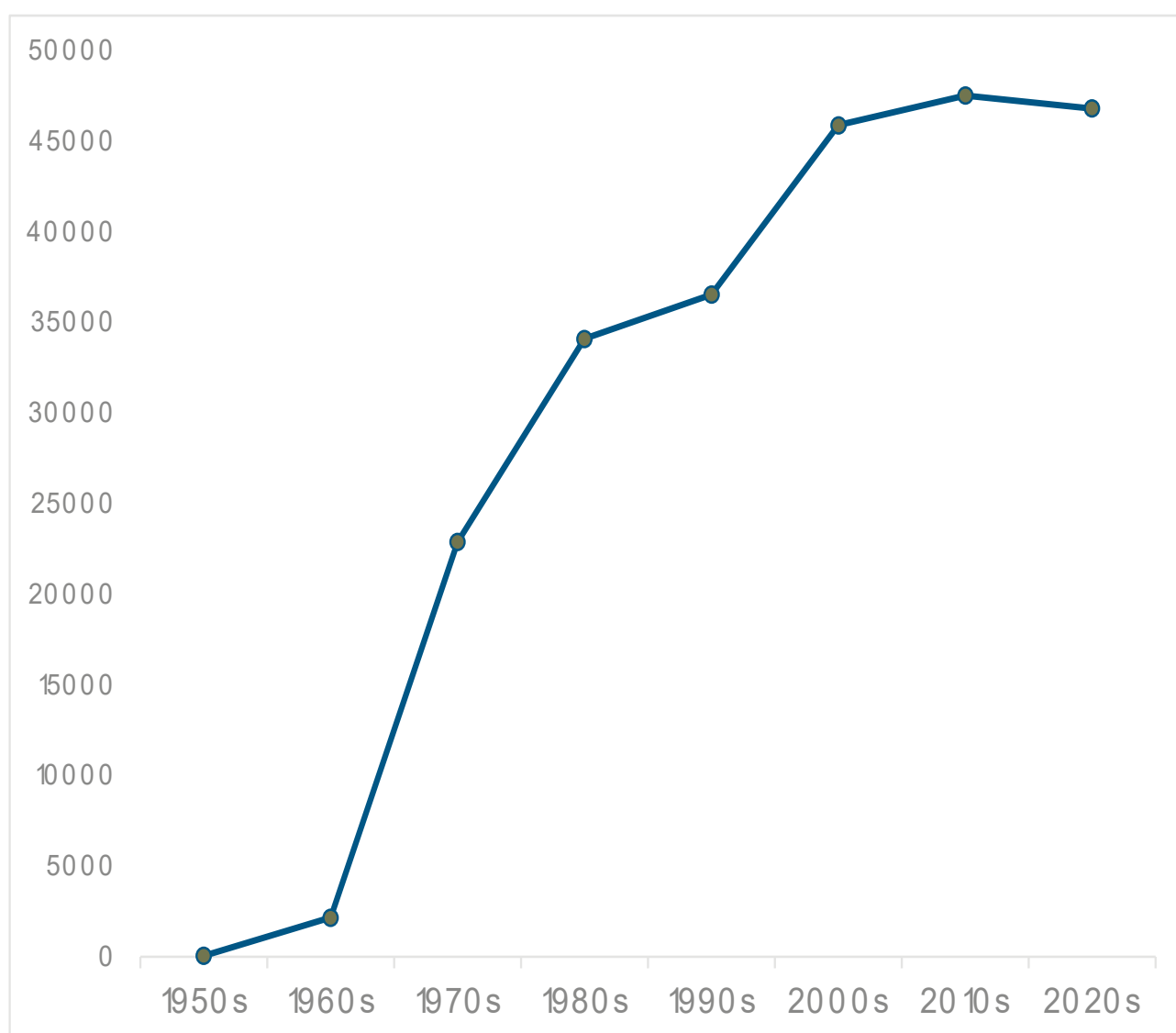


Figure 12: line graph of the growth of the List by decade since the 1950s

THE CURRENT POSITION

Record quality

- While recent listing records are detailed, around 16% of c.47,000 listed building records have potentially inadequate descriptions of what is listed.
- A high proportion of listed building records do not contain a statement of special interest.
- The content of many listed building records (particularly older records) does not reflect new research or a modern understanding of significance. Furthermore, some records contain language we would not now use or may not meet modern data standards.
- The lack of use of thesaurus terms for listing records hinders the ability to categorise or analyse listings or building typologies.
- The structure of the data in text fields means that information on the age of buildings is difficult to interrogate, along with other key pieces of information such as architect or building type. This hinders the use of the data for research or decision-making.
- The designation records for around 780 listings refer to excluded elements in the designation record but this exclusion carries no weight as exclusions only became legal in 2015.
- Digital spatial data is important for locating listed buildings. Point data created in the early 2000s allow listed buildings to be located. We are working to correct misplaced points and missing details with 4841 listing records.
- We only began to polygonise listed building extent in 2015 and this data covers only 1.4% of the List (see figure 13).



Figure 13: a polygonised listed building map (2022). These help to identify listed buildings.

Map contains Historic Environment Scotland and Ordnance Survey Data © Historic Environment Scotland © Crown copyright and database rights 2024 Ordnance Survey [AC0000807262]

Coverage

Scottish Government [research into achieving net-zero](#) suggests that there may be as many as 2.5 million occupied dwellings and 220,000 non-domestic buildings, suggesting that around 1.6% of all buildings in Scotland are listed.¹

- The way that buildings are recorded in the NRHE does not allow meaningful comparisons between the overall number of records of architectural sites and places against those covered by listing.
- GIS analysis may, however, support observations around named council areas.
- Figure 15 indicates that areas such as the Western Isles, Inverclyde, West and East Dunbartonshire, and East Renfrewshire council areas may have proportionally fewer listings than others. However, there is a high degree of uncertainty about whether such gaps are real or perceived.
- 53% of listed buildings are located in Conservation Areas.
- Although the designations are seeking to achieve different outcomes, we are aware that in many cases, listings pre-date the conservation areas and may in some cases have been intended to protect the overall character of the area.
- Table 2 shows that the majority of listings in conservation areas are at category B and C.

Table 2: Listed buildings within conservation areas, by category

Category	Number
A	188
B	11521
C	11248
Total	24657

¹ This number should be treated with caution as many listings are not buildings, and a listing can be more than one building.

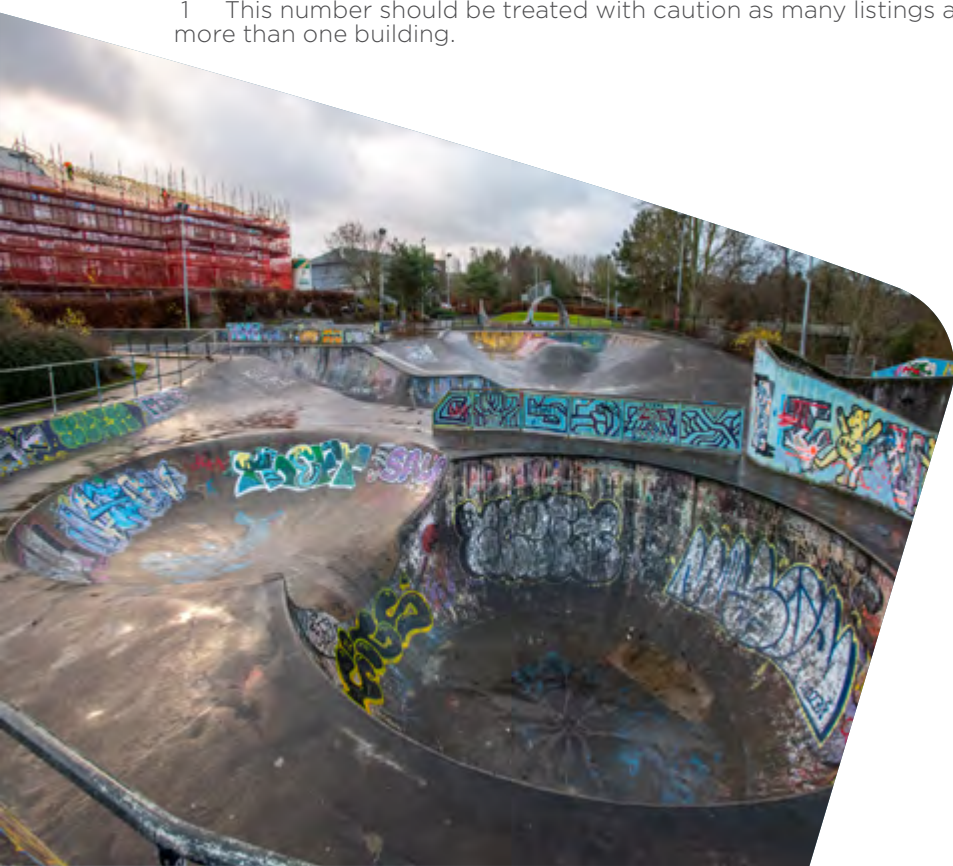
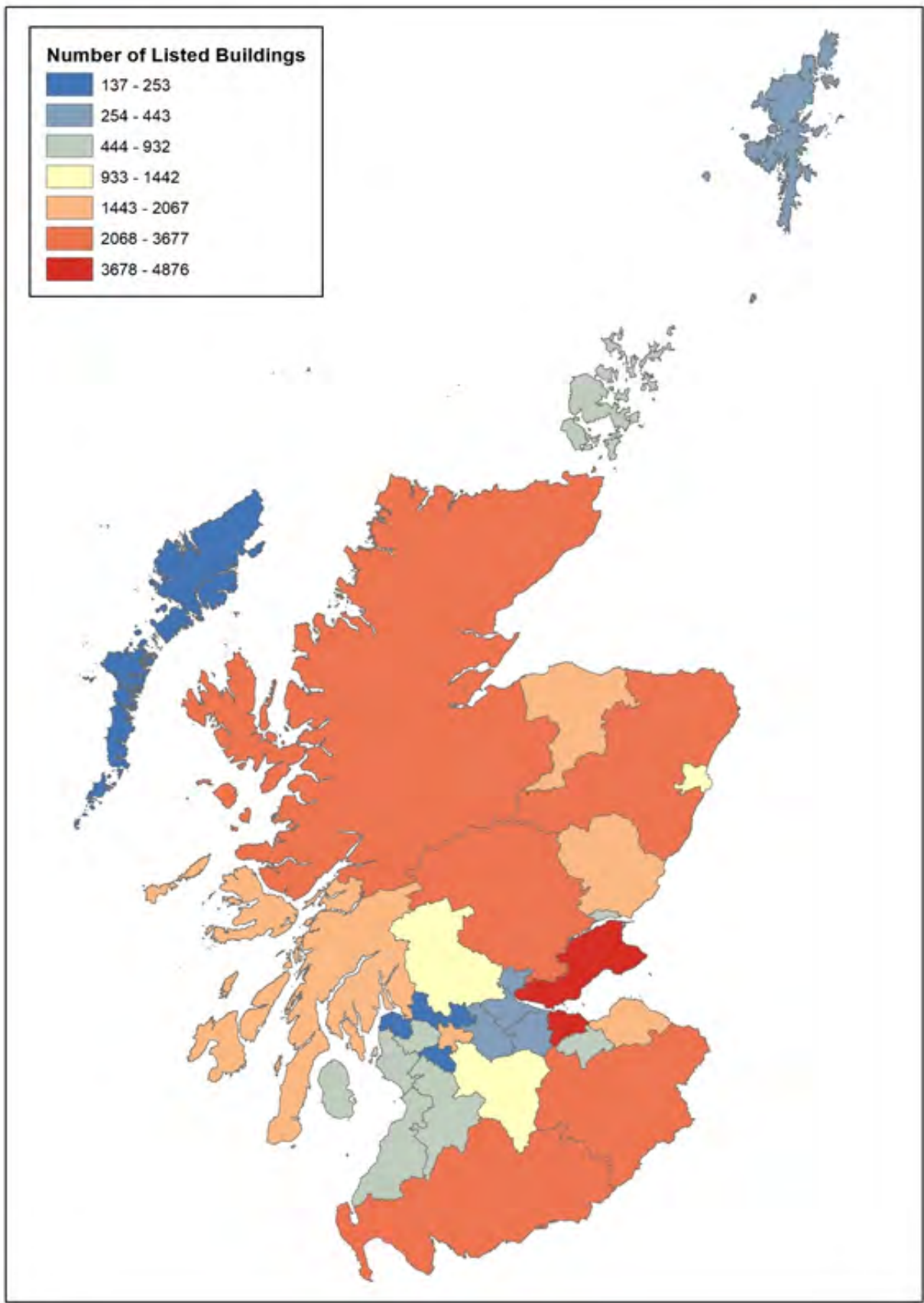


Figure 14: General view of Livingston Skatepark, listed at category B in 2024 (LB52626)

Figure 15 map of Scotland showing number of listed buildings by local authority area



KEY ISSUES

- Misunderstanding on the part of owners, occupiers and other stakeholders about what is listed may be a factor in damage to or loss of historic buildings. Meanwhile, legal issues can arise from unauthorised demolition or changes to listed buildings, impacting on business and individuals.
- In the absence of effective mapping and definition of listed building extent and curtilage, there is a risk that third parties take it upon themselves to interpret extent in an inappropriate manner, leading to planning complications.
- Efforts by local authorities to enforce listed building regulations may be compromised by poor quality listing records.
- Poor quality listing records can impact other areas for example research and decisions such as grant-funding, planning and environmental impact assessment. The impacts on the planning system are likely to be highest in areas under high development pressure.
- The scale of the challenge, whether to assess unlisted buildings for listing, or to update existing listed building records, is huge, and there are questions around what is realistically achievable.

CHALLENGES AND OPPORTUNITIES

Owners of designated assets, and others within areas undergoing change such as communities, decision-makers, developers and researchers are likely to benefit from accurate designations to inform decision-making.

Town centres and built-up areas

- **The challenge:** 63% of listed buildings are in built-up areas and 15% in Town Centres. These are likely to be subject to change through development, change of use, or adaptation. This poses a challenge in terms of the quality of designation records in these areas.
- **The opportunity:** To contribute to initiatives such as Town Centre First by tackling issues around data currency through effective prioritisation of our work.

Areas of development potential

- **The challenge:** Around 1400 listed buildings are located in areas identified as 'employment and housing land supply', or 'vacant and derelict land'.
- **The opportunity:** Working with local authorities through the local development plan process may ensure that HES is providing early advice on sites in areas with the greatest development potential.

Mapping listed building extent

- **The challenge:** Maps are an increasingly important source of information on what is covered by designation. However, the small number of polygons for listed buildings makes it difficult to define the extent of listings. Owners are reliant on the local authority to interpret the concept of ‘curtilage’, which may be perceived as ill-defined and open to challenge.
- **The opportunity:** To take forward further work to address the lack of clarity around ‘curtilage’, for example through further polygonization of listed building records (resource-intensive) and a wider and longer-term conversation about potential changes in the law.

Designations overlap: Listing and conservation areas

- **The challenge:** Great progress has been made in reducing overlap between scheduling and listing, thereby simplifying the regulatory burden. The statistic of 53% of listing buildings in conservation areas poses questions around the value of the overlap between these two designations and whether a change in approach is desirable.
- **The opportunity:** To reconsider the relationship between listing and conservation area designation, and the role of HES in designation of conservation areas. Any review of listing in individual conservation areas would likely be resource intensive so creative thinking may be required to address this opportunity.



Figure 16 Buchanan Street, Glasgow.



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Inventory of gardens and
designed landscapes



Figure 17: Pitmedden Garden, Aberdeenshire (GDL00314).

CHAPTER FOUR - GARDENS AND DESIGNED LANDSCAPES

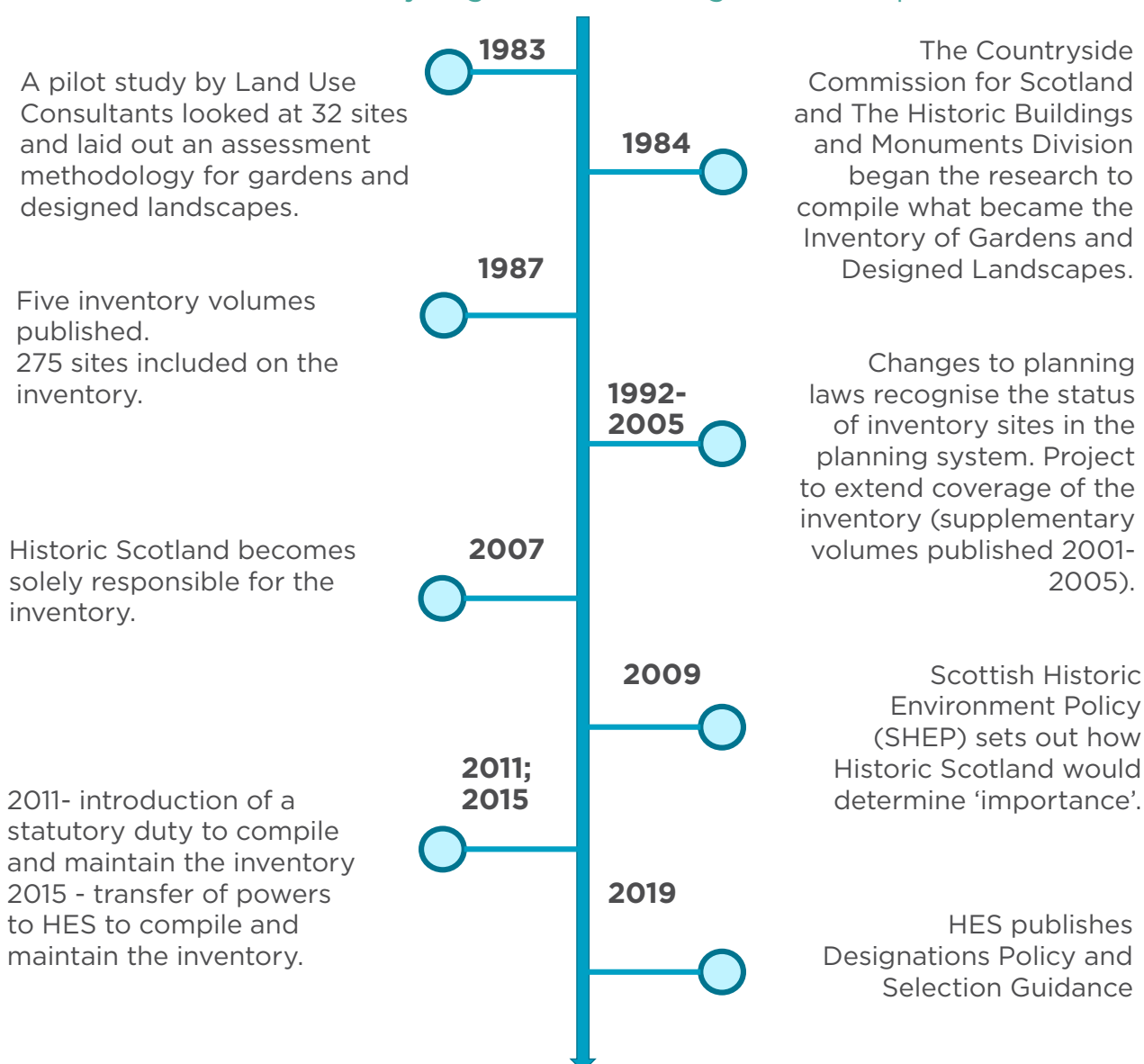
We add gardens and designed landscapes to the inventory under Section 32A of the Ancient Monuments and Archaeological Areas Act 1979.

Gardens and designed landscapes are defined 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 cemeteries or golf courses. To be eligible for the inventory, a garden and designed landscape must meet the criterion of 'national importance'.

HOW PRACTICE HAS EVOLVED

- The inventory has its origins during the early 1980s in growing awareness of the contribution of gardens and designed landscapes,

A timeline for the inventory of gardens and designed landscapes



- The inventory was published in 1987 with a list of 275 sites. Supplementary volumes in 2001-5 increased the number of sites on the inventory. The first significant re-surveys took place 2008-11 resulting in further changes.
- In 2013, Historic Scotland produced a 5-year strategy for the inventory following engagement with stakeholders. In [2014-18 a nationwide review](#) of 42 sites (more than 10% of the inventory) resulted in the removal of 31 sites from the inventory.

THE CURRENT POSITION

Record quality

- The records for Gardens and Designed Landscapes are generally in a good state when benchmarked against the other national designations.
- The content of some records may not reflect new research or a modern understanding of significance. In particular, a number of country estate landscapes of 18th-19th-century date will have links to colonialism and the Transatlantic Slave Economy that are not referenced within Inventory records (see also cross-cutting issues elsewhere). The extent of these issues is unclear.
- Because the archaeological interest of sites was not assessed until 1993, records prior to this date do not have information in this field. Similarly, other older inventory records may not have information in some record fields we now use (e.g. 'main phases of landscape development')
- All inventory gardens and designed landscapes have polygonised spatial data.
- The lack of use of thesaurus terms for inventory garden and designed landscapes may hinder the ability to categorise gardens and designed landscapes by, for example, site type. However, many sites are multi-phase and multi-type and therefore defy easy categorisation.

Coverage

- We lack detailed analysis of how well the Inventory reflects the overall designed landscape heritage of Scotland.
- One perceived gap is modern garden and designed landscape heritage. The Designed Landscapes of the Recent Past Project was begun in 2021 to improve representation of sites dating from 1945-early 2000s on both the Inventory and the NRHE.
- Many inventory gardens and designed landscapes are large designations in areas undergoing change – for example in built-up areas such as urban parks, or cemeteries. These areas are likely to undergo change.
- Many inventory gardens and designed landscapes overlap with other area designations (both cultural and natural designations) and contain both scheduled monuments and listed buildings within their boundaries.

KEY ISSUES

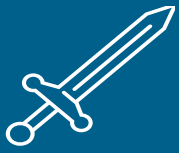
- The purpose of the inventory of gardens and designed landscapes is not defined in law. Stakeholders can sometimes appear dissatisfied by the gap between their expectation of what the inventory achieves, and the reality of its status as a material consideration in the planning system.
- A report (2019) has highlighted the resilience and fragility of gardens and designed landscapes designated mainly for their horticultural collections. The particular nature of these types of sites and the way that they change suggests that this type of inventory site may benefit from periodic review in the future.

CHALLENGES AND OPPORTUNITIES

- Continuing to promote the value of sites on the inventory of gardens and designed landscapes.
- Addressing the cross-cutting issue of inclusive heritage across inventory GDL records, in particular 18th-19th century estate landscapes.
- Balancing improvements to existing records in gardens and landscapes undergoing change with continuing work to increase the range of landscapes covered by the inventory.



Figure 18 Piper Alpha Memorial Garden, Aberdeen City (GDL412) is a 20th century garden that was added to the inventory in 2023.



40

Inventory of historic
battlefields



ROBERT
THE
BRUCE
KING
OF
SCOTS

1306-1329

X

Figure 19: Statue of Robert the Bruce, by Pilkington Jackson, at Bannockburn.

CHAPTER FIVE - BATTLEFIELDS

We designate battlefields under Section 32B of the Ancient Monuments and Archaeological Areas Act 1979.

A battlefield is defined in the 1979 Act 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. To be eligible for the inventory, a battlefield must meet the criterion of 'national importance'.

HOW PRACTICE HAS EVOLVED

- The inventory of historic battlefields has its origins in discussions across the UK about historic battlefield protection during the 1990s.

A timeline for the inventory of historic battlefields

Historic Scotland presentation on the protection of Scottish battlefields at the Fields of Conflict conference in Glasgow.

1999

2005

The Battlefields Trust prepare a report on Scottish battlefields for Historic Scotland.

The Scottish Government commits to review and consult on battlefields designation. Historic Scotland begins work on a potential list of nationally important battlefields with input from consultants.

2007

2009

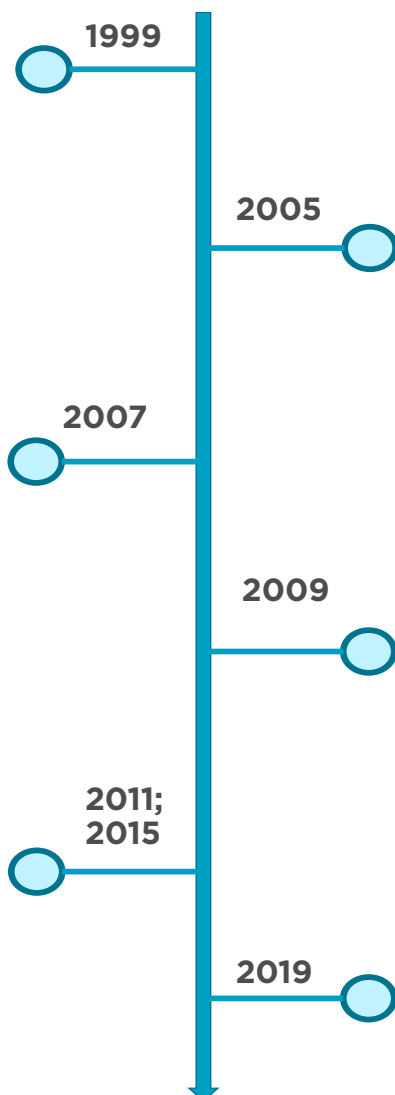
Scottish Historic Environment Policy (SHEP) indicates the establishment of the battlefields inventory.

2011- launch of the inventory including a statutory duty to compile and maintain it
2015 - transfer of powers to HES to compile and maintain the inventory.

**2011;
2015**

2019

HES publishes Designations Policy and Selection Guidance.



- The Inventory of Historic Battlefields was launched by Historic Scotland in 2011 with three initial tranches of designation between March 2011 and December 2012. The only addition to the inventory by HES was the Battle of Sark, in 2016.
- In 2021, HES completed a review of the designation and management of battlefields in the planning system. Our response is published on the [HES website](#).

THE CURRENT POSITION

Record quality

- The recent date of the inventory of historic battlefields means that all records compare well when benchmarked against the other national designations. Battlefield records are highly detailed.
- All inventory battlefields have polygonised spatial data.
- Battlefield records do not use a thesaurus, and this hinders searching, indexing and interrogating the data alongside other datasets albeit the dataset is small.

Coverage

- During preparation of the inventory, research by the Battlefields Trust considered 356 battle sites across Scotland. The existing 40 sites on the inventory therefore amount to around 11% of the overall number evaluated.
- To be eligible for inclusion on the inventory, we must be able to draw a boundary round a battlefield with a reasonable degree of confidence. In practice, many battle sites, particularly early sites, are difficult to locate.
- Many inventory battlefields are large designations in areas undergoing change – for example many contain commercial forestry or areas of land under development pressure, or even parts of town centres.
- Many battlefields overlap with other area designations (both cultural and natural designations) and contain both scheduled monuments and listed buildings within their boundaries. Some inventory battlefields (e.g. Culloden) are also designated as Conservation Areas.

KEY ISSUES

- The purpose of the inventory of battlefields is not defined in law.
- Stakeholders can sometimes appear dissatisfied by the gap between their expectation of what the inventory achieves, and the reality of its status as a material consideration in the planning system.
- In response to feedback on the content of inventory records through the 2021 Battlefields review, HES is preparing a revised, and shorter, more succinct battlefield record format to focus more clearly on informing management of the surviving landscape and less on the battlefield 'event'. Any information that no longer forms part of the inventory record itself, will remain accessible through our online information resources.

CHALLENGES AND OPPORTUNITIES

- Continuing to promote the role of the inventory.
- Reviewing inventory battlefields records to implement the recommendations of the battlefields review.
- Reviewing all 40 inventory records will be resource intensive, so there is an opportunity to prioritise those at greatest need, for example, designations in areas where there is development pressure.



Figure 20: Battlefield of Sheriffmuir (BTL17) – view from the commemorative cairns to the Linns and the valley of the Wharry Burn.



Historic marine
protected areas



Figure 21: Investigating the 17th century wreck of the Swan, Duart Point Historic MPA (HMPA 7) .© Courtesy of HES (Dr Colin and Dr Paula Martin Collection)

CHAPTER SIX - HISTORIC MARINE PROTECTED AREAS

Scottish Ministers have the power under Section 73(1) of the Marine (Scotland) Act 2010 to designate historic marine protected areas (Historic MPAs).

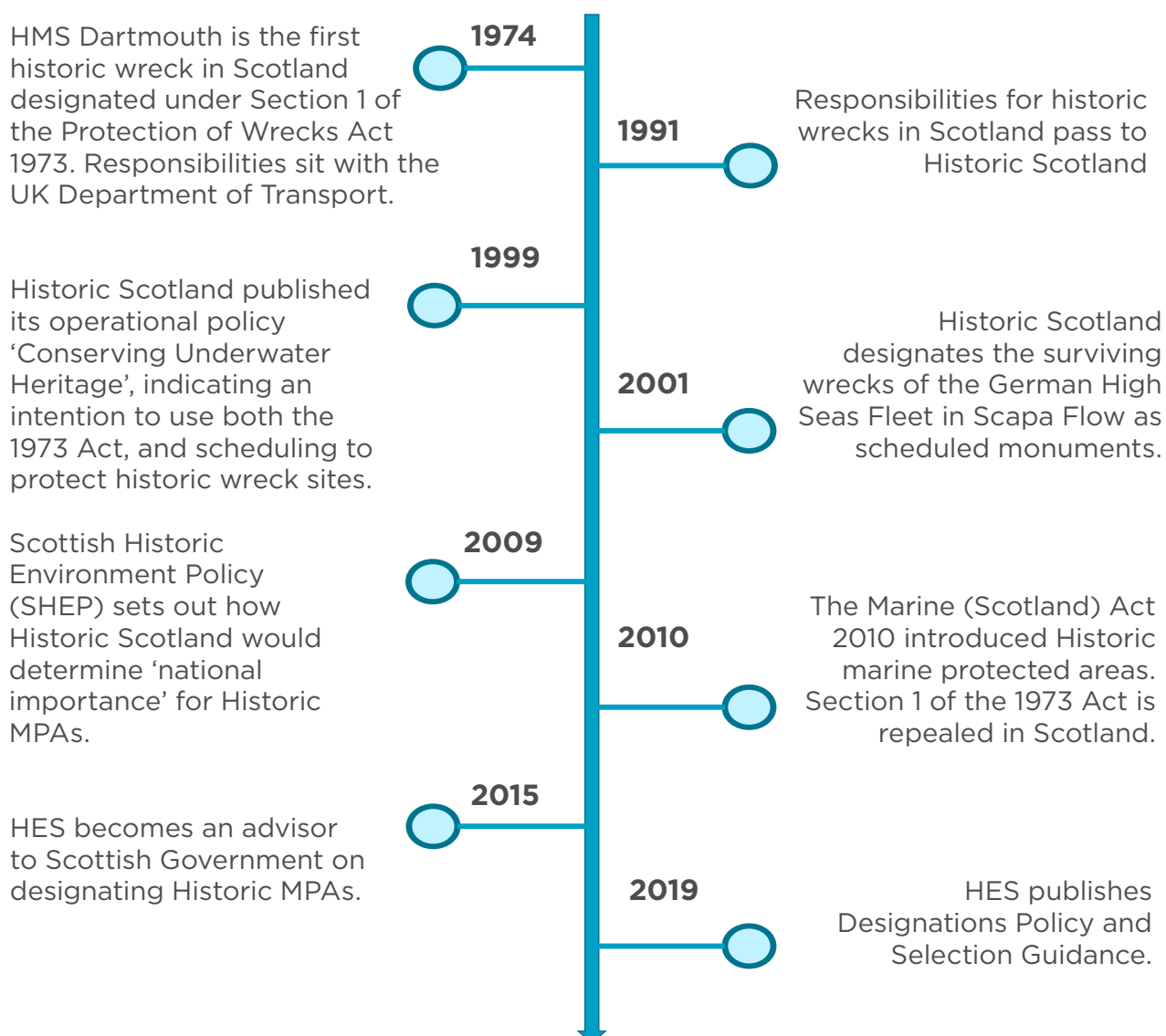
The purpose is to preserve marine historic assets of ‘national importance’ located within UK territorial waters adjacent to Scotland (out to 12 miles offshore).

Historic Environment Scotland provides advice to the Scottish Government on designation of Historic MPAs and advises on their management.

HOW PRACTICE HAS EVOLVED

- Statutory protection for the UK’s underwater heritage began in the 1970s under the Protection of Wrecks Act 1973 (‘the 1973 Act’).
- Since the 1970s, there have been various tools used to protect marine heritage, in Scotland.

A timeline for historic marine protected areas



- Historic MPAs replaced use of the 1973 Act in Scotland and are the preferred designation for recognising marine heritage underwater around the coasts of Scotland.
- The first Historic MPA was designated in 2013. Initial designation priorities set out in a 2012-15 Historic Scotland marine strategy have largely been completed although three cases (Scapa Flow; Queen of Sweden; Comet) remain with the Scottish Government awaiting decision by Scottish Ministers. In 2023, HES designated Comet as a scheduled monument as an interim measure (figure 22).
- Scheduling continues in use to protect underwater heritage. In addition to Comet, and the Scapa Flow wrecks, there are scheduled wreck graveyards around the coast, and the wreck of Crusader in freshwater in Loch Ness.
- The wrecks of all crashed military aircraft, and 23 vessels lost in military service around the Scottish coast are currently designated under the Protection of Military Remains Act 1986 - the Ministry of Defence is the responsible authority.

THE CURRENT POSITION

Record quality

- The recent date of Historic MPA designations (from 2013 onwards) means that all records compare well when benchmarked against the other national designations.
- All Historic MPAs have polygonised spatial data mapped against marine charts.
- Historic MPAs use the same thesaurus as scheduling.

Coverage

- When the 2010 Act passed through parliament, Scottish Ministers indicated that they did not intend large numbers of marine designations, envisaging a gradual increase through time as our knowledge of the seabed grows.
- In addition to the wrecks that are designated as scheduled monuments or as protected military remains, around 0.3% of maritime records of located wrecks in the NRHE are designated as historic marine protected areas. However, such comparisons are not indicative of anything, as the records cover different geographic areas and the number of marine designations is so small.
- Three Historic MPAs are located within Nature Conservation Marine Protected Areas. This generally reflects how the 2010 Act is drafted with different types of Marine Protected Areas required to recognise natural or cultural values.
- Uncertainties include the potential for new discoveries to arise as exploration of the marine environment advances particularly with increased offshore development; and also how best to protect areas that are significant for a combination of natural and cultural values.

KEY ISSUES

- The role of HES in designating Historic MPAs is advisory only and is not set out in law and this affects our ability to take a strategic approach on Historic MPA designation.
- Although scheduling is no longer the preferred mechanism for protecting historic wrecks underwater in the marine environment, it is continuing to be used for a variety of reasons.

CHALLENGES AND OPPORTUNITIES

- To continue to respond to significant new discoveries offshore.
- To work closely with Scottish Government and partner public authorities on protection of areas that are significant for a combination of natural and cultural values.
- To continue to work closely with other UK bodies involving in protecting marine heritage.

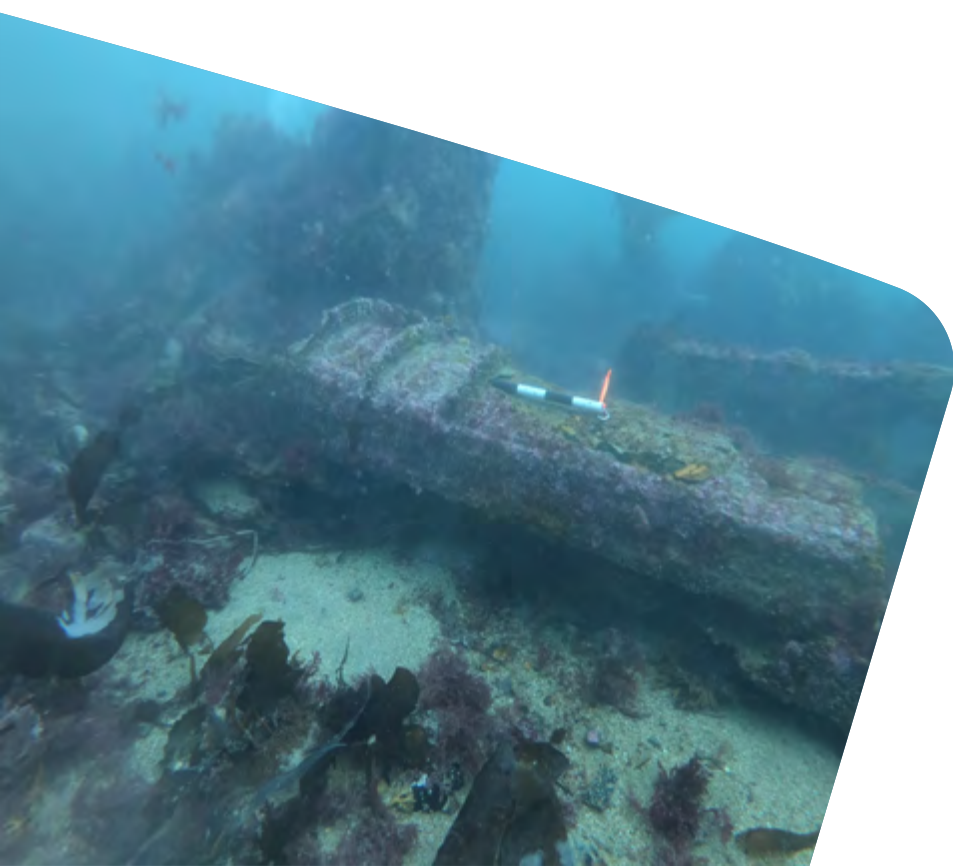


Figure 22: Remains of Henry Bell's steamship Comet, designated as a scheduled monument (SM13773). Historic Environment Scotland/Wessex Archaeology

ANNEX - CURRENT DELIVERY OF HES DESIGNATION FUNCTIONS

ADDITIONAL MATERIAL

Our resource

In 2024-5, the Designations Service has 24 staff.

Our progress

Since 2015, when HES began to compile statistics in this way, the Designations Service has:

- Given statutory protection to 407 sites and places.
- Processed over 10,000 individual designation decisions (Figure 23).

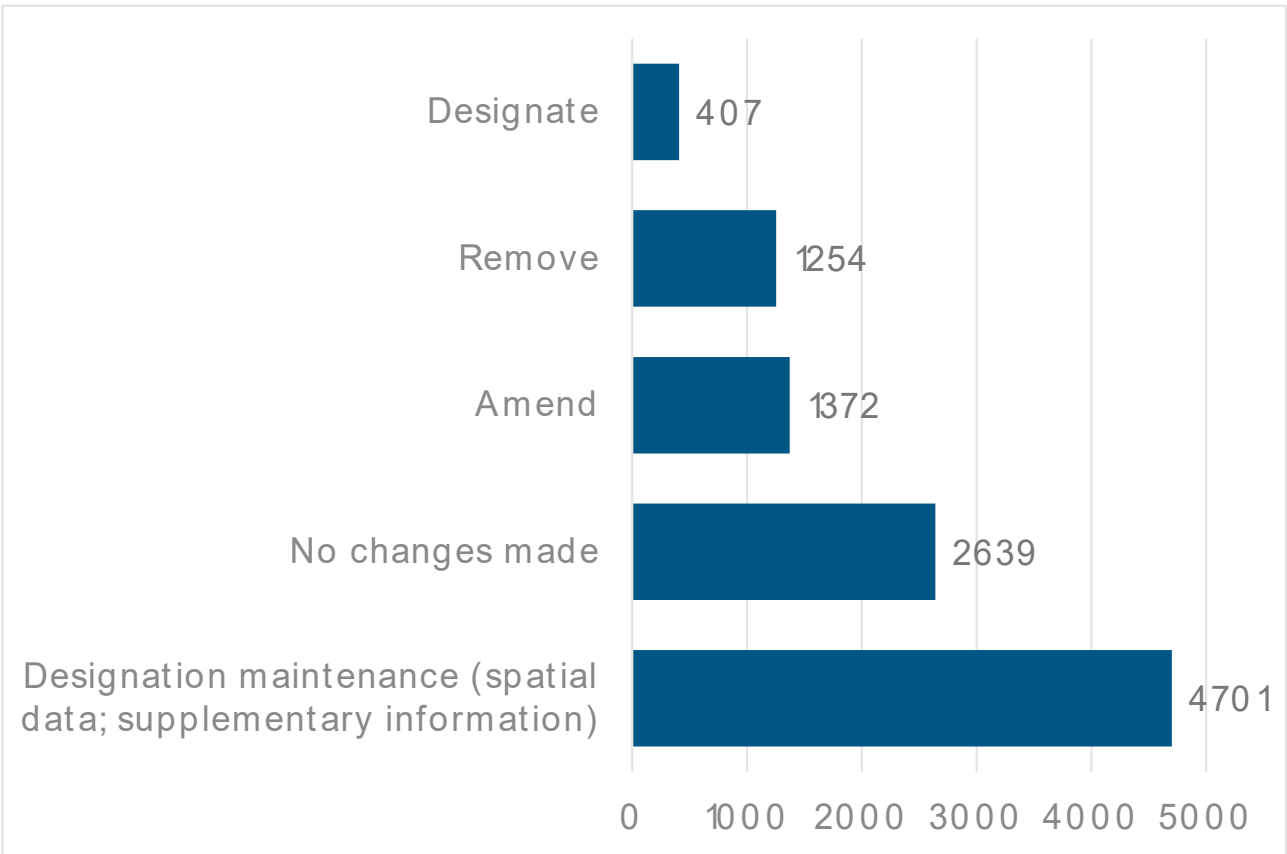


Figure 23: Numbers of designation decisions since 2015, by decision type

Our cases

- Since 2015, we have handled an average of around 1000 cases per year, a combination of external applications and project work.

- The Scottish Government has administered 23 appeals on listing and scheduling decisions since appeals were introduced in 2015 (figure 24).

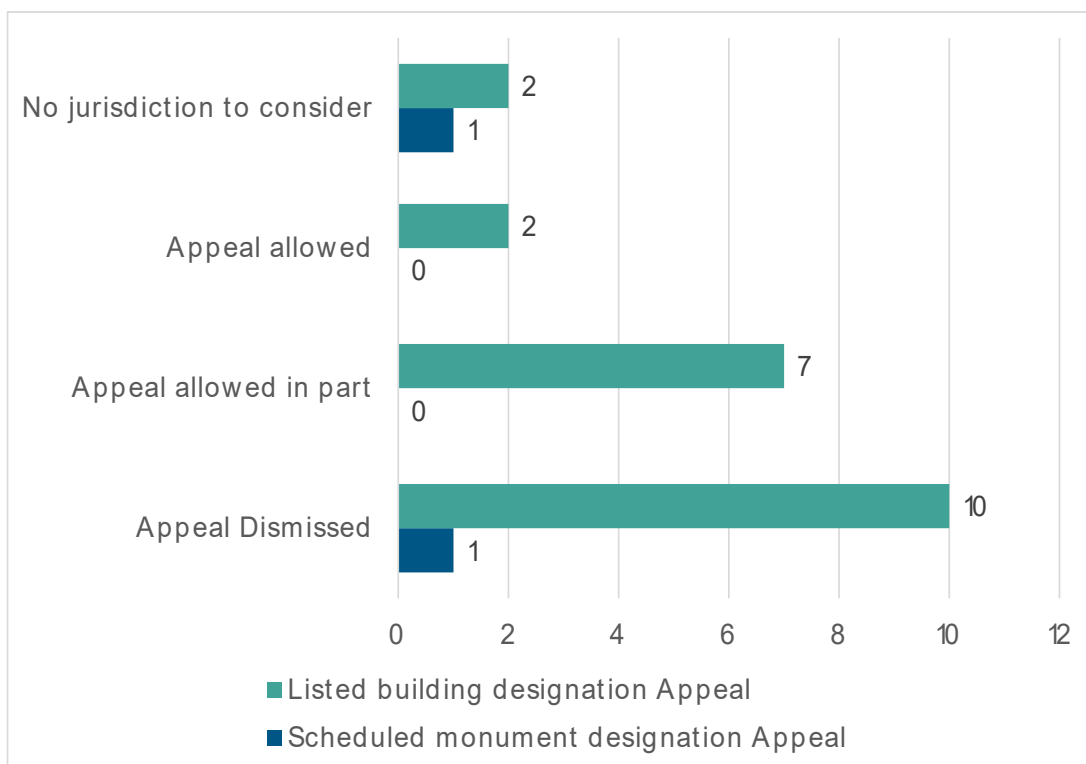


Figure 24: Outcome of designation appeals since 2015

Engagement

- Since 2021, around 3600 people have engaged with our designation consultations through our Citizens Space [consultation website](#). Of these, around 3000 responses came from two recent listing cases: the proposed listing of Cumbernauld Civic Centre and Livi Skate Park.



Figure 25: We asked the public for views on the significance of Cumbernauld Town Centre and received more than 2000 responses.



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

0131 668 8600
historicenvironment.scot

Historic Environment Scotland – Scottish Charity No. SC045925
Registered Address: Longmore House, Salisbury Place, Edinburgh
EH9 1SH