



MANAGING CHANGE IN THE HISTORIC ENVIRONMENT PROCEDURAL ADVICE

SCHEDULED MONUMENT CONSENT FOR ARCHAEOLOGICAL
EXCAVATION: GUIDANCE ON HISTORIC ENVIRONMENT
SCOTLAND'S ASSESSMENT OF APPLICATIONS



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

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Excavations at Clachtoll Broch – a community project led by Historic Assynt and assisted by a commercial archaeology company. Excavation of the interior of the broch was required to allow conservation works to stabilise its massive outer walls, so that the monument could be preserved for the foreseeable future. Although the impetus for the excavation was ongoing conservation works, the research strategy was designed to address important national research questions and reach the highest standards of archaeological fieldwork, ensuring the maximum level of information was recovered.

Front cover and image below
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' MANAGING CHANGE' IS A SERIES OF NON-STATUTORY GUIDANCE NOTES ABOUT MANAGING CHANGE IN THE HISTORIC ENVIRONMENT. THEY EXPLAIN HOW TO APPLY GOVERNMENT POLICIES.

THE AIM OF THE SERIES IS TO IDENTIFY THE MAIN ISSUES WHICH CAN ARISE IN DIFFERENT SITUATIONS, TO ADVISE HOW BEST TO DEAL WITH THESE, AND TO OFFER FURTHER SOURCES OF INFORMATION. THEY ARE ALSO INTENDED TO INFORM PLANNING POLICIES AND THE DETERMINATION OF APPLICATIONS RELATING TO THE HISTORIC ENVIRONMENT.

INTRODUCTION

This note provides guidance for anyone considering undertaking archaeological excavation on a scheduled monument when the primary reason is for research purposes – that is, it concerns excavation which is not prompted by conservation or other factors. It provides information on the process and timescales for applications for scheduled monument consent (SMC) for archaeological excavation and explains how Historic Environment Scotland (HES) applies this policy when evaluating applications, thereby providing transparency in the decisionmaking process.

While this is not its primary function, the document might also be helpful as ‘best practice’ more generally.

KEY ISSUES

1. There are over 8000 scheduled monuments in Scotland, which are recognised as being of national importance and are legally protected to ensure they are preserved for future generations.

2. Archaeological excavation on a scheduled monument requires SMC. HES is responsible for determining applications for SMC, unless Scottish Ministers direct that the application is called-in for their own determination.

3. The benefit to be gained from archaeological excavation needs to be balanced against the presumption in favour of preservation of this nationally-important and finite archaeological resource. Archaeological excavation at a scheduled monument needs to be justified as representing the public interest.

4. SMC will only be granted where an applicant demonstrates that their proposals are based on sound research aims and employ the highest standards of excavation methodology and recording, that excavation and recording are undertaken by suitably skilled personnel, that the project is adequately resourced; and that impacts are justified and minimised, and provide long term public benefit.

1. PROCESS

1.1 GENERAL

The scheduled monument consent process is described in [Historic Environment Circular](#). Further information on the SMC application process, right of appeal, publication of applications and compliance can be found in the leaflet [Managing Change in the Historic Environment: Works on Scheduled Monuments](#).

For departments and agencies of the Scottish and UK Governments undertaking works to monuments in Scotland there is a parallel system known as scheduled monument clearance. This is governed by the same principles and procedures as the SMC process and the guidance within this document applies equally to these applications.

1.2 PRE-APPLICATION DISCUSSION

The decision to seek SMC for archaeological excavation of a scheduled monument should be made only following careful consideration of the factors outlined in this document.

To assist potential applicants or inquirers, and to help avoid unforeseen issues arising, HES offers a free pre-application advice service. It is strongly recommended that anyone considering applying for SMC takes advantage of this service.

1.3 APPLICATION

Applications are made by completing an application form which can be downloaded from [Historic Environment Scotland's website](#) or requested from Historic Environment Scotland at the address at the end of this document. Applications can be submitted electronically, or by post. There is no charge to make an application for SMC.

Applications for archaeological excavation on a scheduled monument should be accompanied by a detailed research strategy which clearly sets out the questions the proposed excavation hopes to address.

Applications should include a clear description of the works proposed, how the interventions have been targeted, excavation methodology, recording, reporting, proposed postexcavation research design and publication, resources and the skills of those who will be undertaking the excavation and reporting.

Where metal detecting or geophysical survey is proposed as part of the project, a separate application for [Metal and Mineral Detecting Consent](#) is not required.

1.4 TIMESCALE & NOTIFICATION OF APPLICATIONS TO SCOTTISH MINISTERS

Applications for archaeological excavation on scheduled monuments may be notified to Scottish Ministers.

This is because HES is required to notify any application to Scottish Ministers where proposed works would allow a greater level of intervention than the minimum level of intervention that is consistent with conserving what is culturally significant in the monument. This aspect is set out in [The Scheduled Monument Consent \(Notification of Applications\) Direction 2015](#).

Where applications are notified it will normally take 12 weeks to reach a decision – and this will apply in the case of most excavations whose sole reason is research.

1.5 PUBLISHING APPLICATIONS

All SMC applications are published on the [HES portal](#), together with a Report of Handling which details HES's assessment of the application and basis for decision.

All SMC applications and decision documents are published on the Historic Environment Scotland Heritage Portal. You can search for previous and current applications, decisions, and reports of handling using key words such as 'excavation' or the name of the monument.

The screenshot shows the homepage of the Historic Environment Scotland Heritage Portal. At the top left is the logo for Historic Environment Scotland, with the Gaelic name 'ÀRAINNEACHD EACHDRAIDHEIL ALBA' next to it. A search bar is located at the top right. Below the logo is a navigation menu with 'Home', 'Decisions', 'Designations', and 'Spatial Downloads'. The main heading is 'Heritage Portal'. Below this is a descriptive paragraph: 'The Historic Environment Scotland Portal allows you to search, browse and view [decisions](#) and [designation](#) records, [download spatial datasets](#) or use the [map search](#).' Below this are four featured sections, each with an image and a brief description:

- Decisions**: Browse and search for decisions on scheduling, listing and applications/decisions for scheduled monument consent.
- Designations**: Search and view records for Listed Buildings, Scheduled Monuments, Inventory Gardens and Designed Landscapes, Inventory Battlefields and Historic Marine Protected Areas.
- Spatial Downloads**: Find out about designated heritage GIS Data datasets and access Atom feeds, web services and download data.
- More about us**: Find out about places to visit, learning and resources, looking after our heritage and our news, including social media links, apps and more.

1.6 RIGHT OF APPEAL

Where an application for SMC has been determined by HES, all applicants have a right of appeal to Scottish Ministers against refusal (or part refusal) of an application, and against conditions attached to scheduled monument consent granted. Applicants may also appeal against non-determination of their application by HES. [The Scheduled Monument \(Appeals\) \(Scotland\) Regulations 2015](#) set out appeal procedures in more detail.

2. BACKGROUND

2.1 VISION

The government's vision for the historic environment is set out in [Our Place in Time \('OPIT'\)](#). This states that "Scotland's historic environment is understood and valued, cared for and protected, enjoyed and enhanced. It is at the heart of a flourishing and sustainable Scotland and will be passed on with pride to benefit future generations."

2.2 POLICY

[Scottish Planning Policy \('SPP'\)](#) sets out how nationally important land use planning matters should be addressed across the country. This is scheduled to be superseded by National Planning Framework 4 (NPF4) around spring 2022.

The [Historic Environment Policy for Scotland \(2019\)](#) (HEPS) sets out overarching principles for decision making that affects the Historic Environment.

The [Scheduled Monument Consents Policy](#) sets out in detail the policy framework against which all SMC applications, including those for archaeological excavations, will be assessed by HES. Where an application for SMC has been determined by HES.

2.3 SCHEDULED MONUMENTS POLICY

A monument is included in the schedule to secure its long term protection in the national interest, in situ and as far as possible in the form it has come down to us.



Works on scheduled monuments should normally be the minimum level of intervention that is consistent with conserving what is culturally significant in a monument.

Scheduled Monument Consent Policy Aim

The starting point for any project considering works to a scheduled monument, whether conservation or research-led, must be a thorough understanding of the cultural significance of the monument and its national importance. Guidance on how HES assesses cultural significance can be found in [The Designations Policy and Selection Guidance](#).

The next stage is to understand the impacts that any intervention at a scheduled monument would have on that particular monument's cultural significance.

In considering SMC applications, HES will look for evidence that an applicant has a clear understanding of the cultural significance of the monument, and the impact of the proposed works on this.

Any proposed works on a scheduled monument should be designed to minimise the impact on the monument's cultural significance and to retain its national importance.

2.4 SCHEDULED MONUMENT POLICY IN RELATION TO ARCHAEOLOGICAL EXCAVATION

2.4.1 General

The primary purpose of scheduling is to ensure that nationally-important monuments are preserved for future generations. 'Detrimental' intervention should only be permitted where the impacts will result in nationally important benefits, are carefully considered, and properly mitigated.

Whilst archaeological excavation can release important information preserved in monuments, it also results in the irreversible loss of material relating to Scotland's past. It is because of that irreversible loss that HES takes – and asks others to take – a very careful approach when considering proposals for excavation on scheduled monuments.



Extensive intervention to a scheduled monument will only be allowed where:

- It has minimal effect on the cultural significance of the monument; or
- It is clearly necessary to secure the long-term preservation of the monument; or
- It will clearly generate public benefits of national importance which outweigh the impact on the nationally important cultural significance of the monument. Such public benefits could come from, for example, interventions which improve public access to a scheduled monument (where appropriate), or assist public understanding once the works are completed, or provide economic benefits of national importance once completed.
- Where unavoidable circumstances, such as coastal erosion, threaten the survival of a scheduled monument, it should, where possible, be excavated and/or recorded in detail before its destruction.

Scheduled Monument Consent Policy 3

Evidence for activity and settlement from the Early Neolithic, Late Neolithic, Bronze Age and Iron Age was found during excavations of a crop mark feature at Millhaugh, Perth and Kinross. One pit was packed with pottery, containing a remarkable amount of Early Neolithic sherds (both carinated and lug bowls) deposited with a fire-cracked saddle quern within a matrix of hearth material.



2.4.2 Excavation in advance of an imminent threat to the monument

The Scheduled Monument Consents Policy makes specific provision for the excavation and recording of scheduled monuments under imminent threat of destruction. In circumstances where unavoidable loss can be demonstrated, such as coastal erosion or other environmental threats, excavation and recording is fully supported, subject to appropriate resourcing and investigative schemes.

2.4.3 Excavation to secure the long term preservation of the monument

Archaeological excavation may occasionally be required for conservation reasons. This may, for example, include excavations -to investigate structural instabilities in a monument, or to allow repair and conservation work to take place. Such works should be limited to the minimum necessary to enable the intended repair to be effective, or inform repair and management strategies.





Conservation and research works should always be aimed at the lowest level of intervention that is consistent with achieving a monument's preservation.

Monuments are subject to decay and the threat of destruction from natural and human causes.

Conservation work may be needed to prolong the life of a monument, but there is a risk that this can be so invasive that it irreversibly modifies the monument's cultural significance and affects the features that made the monument important in the first place.

These might include its character, value, evidence for construction and use, or any other factor that contributes to a monument's cultural significance.

Research projects can deliver important public benefits, improving understanding of our most important monuments. However, they can also affect a monument's cultural significance and result in irreversible loss of information for future generations.

Research project works should therefore be carefully considered to ensure they are fully justified and any impact is minimised. They should be well targeted, properly researched and undertaken to high professional standards.

Scheduled Monument Policy 2

2.4.4 Excavation to secure other public benefits of national importance

There are a number of circumstances in which extensive interventions such as archaeological excavation on a scheduled monument may secure other public benefits of national importance which outweigh the national importance of that particular monument, meaning that the impact on the monument is outweighed by resultant wider benefits.

Research excavations on scheduled monuments can fall into this category. Interventions will be justified where the results will answer nationally important research questions and thus contribute to Scotland's national story. In addition to these benefits, an excavation can provide significant local community benefits, by fostering a sense of place, community engagement and ownership.

Excavation of Neolithic structures under imminent threat of coastal erosion at the Links of Noltland, Westray



3. APPLYING FOR SCHEDULED MONUMENT CONSENT FOR RESEARCH EXCAVATION



Proposals for change should be carefully considered, based on good authority, sensitively designed, and properly planned and executed. The level of information provided should be in proportion to the sensitivity of the monument or feature and the level of change proposed.

For all applications where change is proposed, the following factors will be taken into account when considering if works meet this policy:

f) that an appropriate level of record is made before, during and after any work and deposited in local and national archives, and, where appropriate, published;

h) that any archaeological excavation or other intrusive investigation should be based upon a detailed research strategy, with adequate resources, using appropriately skilled and competent archaeologists with a satisfactory record of the completion, archiving and publication of projects; and

i) that the design, planning and execution of works on scheduled monuments are undertaken by people with appropriate professional and craft qualifications, skills and experience.

Scheduled Monument Consent Policy 4 (para f, h, i)

3.1 GENERAL

This section provides specific advice for anyone considering applying for SMC to conduct a research excavation on a scheduled monument. Whilst the advice is targeted towards research excavation, much will also be relevant to excavation for other purposes as outlined above.

3.2 RESEARCH STRATEGY

Any application for archaeological excavation should be accompanied by a detailed research strategy, or project design, which clearly demonstrates the benefits of national importance that the project aims to deliver.

The research strategy should lay out the project aims clearly. The research question(s), and the anticipated answer(s), must be shown to be of national significance. It may be helpful, for example, to outline where the question(s) might align with the

Scottish Archaeological Framework (ScARF) or other developing or regional research initiatives. It will be important to include information on how your research will be disseminated, and how it might inform future decision making and be shared with the public and local communities.

Applications for excavation of a scheduled monument should align where possible with the aims of Scotland's Archaeology Strategy.

The significance and importance of the project, and of the contribution it will make to enhancing knowledge or understanding of Scotland's past should be explained. The extent to which other or current research conducted in this area/ period/ topic/ monument-type has been considered should also be discussed in relation to how it has informed your research strategy, and the added benefits you hope to achieve.

It should be clear why specific interventions have been recommended, and how they align with and seek to answer the research aims.

Excavation trenches should be targeted to gain the maximum amount of relevant information through minimal intervention.

The reasons for selecting the specific monument at issue should also be clear. For example, this might be the only monument that can answer those particular research questions; or the works may have been designed to understand that particular monument which will in turn contribute to the understanding of national debates about that monument type, or they will deliver local or community benefits.

The Strathearn Environs and Royal Forteviot (SERF) Project

Research excavations on a number of scheduled monuments in Perth and Kinross, including the circular barrow below, provided a significant body of information on the archaeology of Forteviot and its environs that is already contributing to knowledge-generation and meeting strategic research aims across Scotland. Public benefits included training for over 100 future archaeologists.



3.3 DESCRIPTION OF WORKS

3.3.1 General

In order to make an assessment of the impact of the proposed works, HES requires a clear description of all proposed works, including an accurate and detailed trench location plan, excavation methodology, recording, sampling strategies and details of proposed post-excavation analysis, archiving, and publication. A timetable, incorporating 'milestones' where appropriate, should be presented showing how the project's aims and objectives will be achieved within the proposed timescale. All should follow current industry standards as a minimum basis and should be clearly referenced (see advice on industry standards under '**Further Information and Advice**' below).

3.3.2 Skills, experience and supervision

Excavation on nationally-important scheduled monuments should only be undertaken by appropriately-skilled personnel, appropriate for delivering the research aims, excavation, sampling, recording and reporting strategies. Any application should set out the skills and previous experience of the people leading, supervising and participating in the excavations. Lead investigators/applicants must demonstrate a track record of successful excavations, reporting and publication.

Where unskilled volunteers or students will form part of the workforce, the



proposals should demonstrate that suitable controls, such as an adequate level of supervision/ training, are in place to ensure industry standards are maintained.

3.3.3 Excavation and Sampling

The proposed area, and depths of excavation, should be proportional to the project research aims; and it should be made clear why its size and location has been chosen, in addition to the level and scale of sampling and dating strategies.

Where there are areas of uncertainty in the size, depth and location of

trench required, or sampling methodologies to be employed, these should be fully explored, with minimum and maximum levels of intervention set out. Applications will be assessed on the basis of the maximum level of intervention, but conditioned to ensure only the minimum necessary is undertaken in practice. It is not possible to make material changes to an application (e.g. significant addition or enlargement of trenches) once the application has been determined. A new application will be required for any material changes.



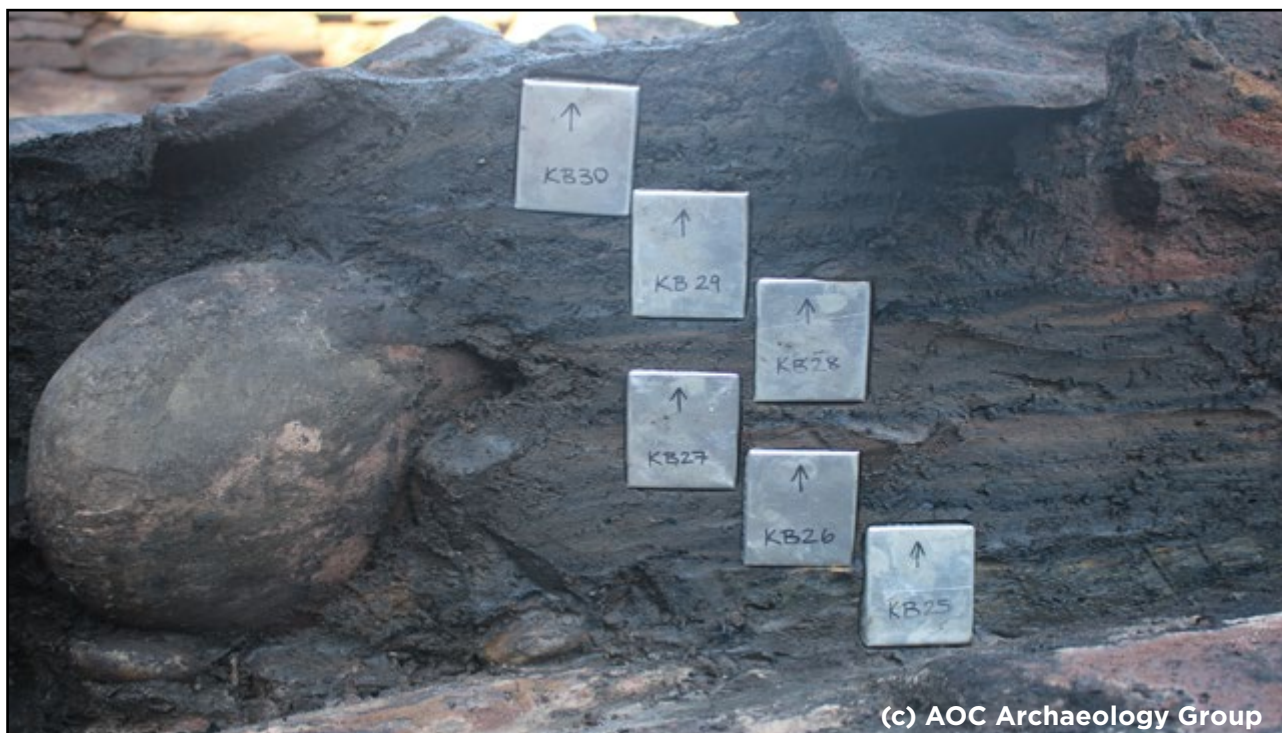
3.3.4 Reinstatement or post-excavation site management strategy

HES will assess the longer term impact of any proposed excavation on the management of the monument by assessing plans for post-excavation consolidation and/or reinstatement.

A reinstatement strategy should consider monitoring of reinstated trenches and make provision for further stabilisation works, should they be required. Where reinstatement is not proposed, a post-excavation site management strategy should address likely conservation issues and make provision for the sustainable management of the affected parts of the monument.

3.3.5 Post-excavation analysis, publication and archiving

HES will assess whether the post-excavation analysis, publication and archiving strategy is sufficient to meet industry standards. HES will look for evidence that any sampling and post-excavation strategy sets out an appropriate strategy for handling environmental sampling, artefacts, and faunal material both during and after the excavation. Artefacts recovered should be processed according to industry standards and sent to appropriate specialists for reports, any initial conservation, and interim storage.



(c) AOC Archaeology Group

Environmental sampling strategies are an integral part of any SMC application for research excavation. Strategies should be clearly set out, with any areas of uncertainty, such as sampling ratios or methodologies, fully explored. Sampling strategies have to be carefully designed before excavation and revised during it to ensure the maximum amount of information is extracted from the excavation process. The image shows sampling of successive hearth and floor surfaces within Clachtoll Broch.

A Data Structure Report (DSR) is always required and should normally be produced within 3 months of the completion of each season of excavation and sent to HES for comment. A copy of the finalised DSR should be sent to HES, the National Record of the Historic Environment, and the local Historic Environment Record. An Oasis data capture form should be completed and a Discovery and Excavation Scotland entry lodged. A Post-excavation research design (PERD) should be prepared. The DSR and PERD should make recommendations for post-excavation analysis, conservation of finds, and full reporting. Finds should be declared

through the Treasure Trove process. Upon completion of the project, the paper and digital archive should be prepared according to current best practice and deposited with the National Record of the Historic Environment.

3.4 RESOURCING

Any application for archaeological excavation on a scheduled monument should clearly demonstrate that adequate resources are in place, both financial and in terms of personnel. Resources should be proportionate to the level of excavation and anticipated post-excavation research proposed.

This image shows an Iron object recovered during excavations at Clachtoll Broch. The scheduled monument consent process controls all aspects of work on a scheduled monument, including postexcavation research, conservation of finds, reporting and archiving. Applications must demonstrate an ability to record, conserve and report on important finds recovered as part of the excavation process.



4. DECISION MAKING PROCESS

HES aims to provide a clear and transparent decision-making process for SMC applications.

All decisions in relation to SMCs are published on the HES portal, together with a detailed Report of Handling which sets out the proposed works, their justification, and assessment against policy. Where conditions are applied, these will also be explained (also see section 1.6 Right to Appeal)

Where an application has been referred to Scottish Ministers under the Notification Direction, this will also be shown, together with Scottish Ministers' determination where relevant.

5. COMPLIANCE

Once granted SMC, there is a legal obligation upon the applicant to undertake works in the manner agreed. This includes delivery of their DSR, post-excavation analysis, and reporting within the agreed timescale. Failure to undertake works in the manner agreed, without prior written agreement from HES, may lead to enforcement action. Further information on HES's enforcement policy can be found on the [HES Website](#), and in the leaflet '[Compliance and Enforcement at Scheduled Monuments](#)'.

Unexpected finds can significantly increase post-excavation costs. Resourcing must be adequate to ensure all necessary post-excavation work can be completed to the highest standard.



6. FURTHER INFORMATION AND ADVICE

Historic Environment Scotland is charged with ensuring that our historic environment provides a strong foundation in building a successful future for Scotland. One of our roles is to provide advice about managing change in the historic environment.

LEGISLATION

[The Ancient Monuments and Archaeological Areas Act 1979](#)

[The Historic Environment \(Amendment\) \(Scotland\) Act 2011](#)

[The Historic Environment Scotland Act 2014](#)

POLICY AND STRATEGY

[The Historic Environment Policy for Scotland \(2019\) \(HEPS\)](#)

[The Scheduled Monument Consents Policy](#)

[Historic Environment Scotland Archaeology Programme: Open Access Procedure](#)

[Our Place in Time: The Historic Environment Strategy for Scotland](#)

[Scotland's Archaeology Strategy](#)

[Scottish Archaeological Research Framework](#)

SCHEDULED MONUMENT CONSENT

[Scheduled Monument Consent Application Forms](#)

[Scheduled Monument Consent Decisions](#)

INDUSTRY STANDARDS AND GUIDANCE

[Code of Practice for Treasure Trove in Scotland](#)

[Chartered Institute of Archaeologists Standards and Guidance](#)

[The Treatment of Human Remains in Archaeology](#)

[The Standard and Guide to Best Practice in Archaeological Archiving in Europe](#)



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