

**SCOTTISH HISTORIC ENVIRONMENT POLICY 3**

**GARDENS and DESIGNED LANDSCAPES**

**ANALYSIS REPORT**

**October 2006**

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## **ACKNOWLEDGEMENTS**

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This report has been prepared by Laura Mulheron, Historic Scotland Policy Group.

## 1. INTRODUCTION

1.1 Scottish Historic Environment Policy (SHEP) is a new series of policy documents that both sets out Scottish Ministers' vision and strategic policies for the wider historic environment and provides greater policy direction for Historic Scotland. SHEP 3 invited views on Scottish Ministers' policies for gardens and designed landscapes in respect of their identification and protection, the management of change, and how Historic Scotland will implement these policies. It also posed a number of questions about the future protection of gardens and designed landscapes.

1.2 The Consultation document was published on 31 March 2006 and responses were invited by 23 June 2006.

1.3 Approximately 350 copies of the consultation were sent to a wide variety of consultees. A list of respondents is at annex A. Forty one responses were received. Of these 17 were received from Local Authorities or associations of Local Authority workers; 13 were received from the public and voluntary sector; 8 were received from professional bodies, professional organisations and academics and 3 were received from public bodies. In most cases the comments formed the official response of the body. Three sets of responses were identical but are being treated as three separate responses. During the consultation period Historic Scotland ran a workshop with the Built Environment Forum Scotland (BEFS). The workshop was attended by 28 individuals and representatives of organisations with an interest in gardens and designed landscapes. Historic Scotland has received a report from the workshop and while its findings are not included in this analysis they will be used to inform the work of Historic Scotland.

## **2. RESPONSES TO THE CONSULTATION**

### RESPONSES TO THE QUESTIONS

2.1 The consultation document asked five specific questions. Not all respondents answered all of the questions. Most of the questions could have been answered by a straight “yes” or “no” but many respondents either set out their reasons for their view and / or qualified it in some way. As a result, there are very few unqualified “yes” or “no” responses and it is difficult to give definite statistics. Given this any statistics should be treated with caution.

#### **Question 1 : Should Scottish Ministers have a statutory duty to compile and maintain an Inventory of gardens and design landscapes in Scotland?**

2.2 Forty consultees (all but 1) answered this question. All said yes, there should be a statutory duty. One organisation said:

*and further, this statutory duty should be extended to advising on and maintaining G & DLs, to protect such assets*

It was suggested that there should be a general duty on all public bodies to consider the landscape – similar to the biodiversity duty. It was also stated that parklands and trees should be included in the duty to compile and maintain an Inventory.

#### **Question 2 : Are these appropriate criteria and factors for considering which sites should be included in the Inventory ?**

2.3 This question related to a list of factors and criteria to be used when assessing an individual site for inclusion in the Inventory. Thirty-eight respondents replied to this question (all but 3). There was agreement with the criteria but there were some qualifications. The criterion which drew the most concern was the one relating to the condition of the site today (h). Fourteen respondents pointed out that sites should not be excluded from the Inventory because they had been neglected and were now in poor condition. Of these 8 were from the voluntary sector and public. Some also pointed to the ability of a site to recover. Eight respondents said that a site should not have to score highly in all criteria (5 of these were from the voluntary sector and public) and several asked for clarification about how sites would measure up to the

criteria. There were several other suggestions for inclusion in the criteria including educational interest (8) and recreational interest. There were also requests for clarity about the archaeological side. For example one organisation said that unless buried archaeological features and deposits are separately supported through the listing or scheduled monument processes they are not automatically protected from development even if this is part of a management to enhance or “restore” a garden or designed landscape.

**Question 3 : Is there a need to introduce systems to control work or changes to Inventory sites? If so, should it be a formal consent regime for works or alterations that affect the special character of an Inventory site or should it be a voluntary management plan scheme? What should be covered and how should the system be operated?**

2.4 Forty consultees (all but 1) responded to this question. Twenty-eight considered that a system should be put in place. Of these 13 were Local Authorities and 9 were from the voluntary sector and public. One consultee said that there should not be a new system put in place while another thought we should look again at what sort of control there already is. Three more thought the proposals in the SHEP should be further teased out. Slightly more respondents were in favour of a formal consent procedure than a voluntary management plan scheme. Local Authorities tended towards wanting a formal system while there was a fairly even split within the voluntary sector and public between a formal system and a voluntary arrangement. Some thought it would be appropriate to have a system incorporating both. Eight suggested that a grant scheme should operate as an incentive to help finance a Plan and to manage the site.

**Question 4 : What are your views on amending the Notifications Direction to place nationally important Inventory sites on a par with category A – listed buildings and monuments?**

2.5 Thirty-seven consultees (all but 4) responded to this question. There was general agreement (27) with the proposal. Some expressed a qualified agreement bringing out issues such as:

*this would only be appropriate if there was to be a grading system to distinguish nationally important sites Inventory sites from other Inventory sites.*

Another organisation said that the more important issue would be Scottish Ministers' policy on calling-in applications. It was also mentioned that the opportunity should be taken to enhance opportunities for wider consultations with communities of place and of interest. A further organisation feared the resources and willingness to act may be missing. The importance of managing rather than preventing change was also brought out. Four respondents (3 from the voluntary sector and public) mentioned the need to advertise.

### **Question 5 : Should a Stakeholder Advisory Group replace the Inventory Steering Group?**

2.6 Thirty-nine responded to this question (all but 2). Nineteen were in favour of the proposal and only 5 directly opposed it. Other respondents mentioned that both groups should operate. Some responded to the question by either expressing no view or by listing organisations which should be on the Group. Others commented that the Group should not become too unwieldy. Suggestions for possible members of a new Stakeholder Advisory Group included Local Authorities, owners/managers of sites, professionals and the Landscape Institute.

#### RESPONSES TO OTHER ISSUES WITHIN THE CONSULTATION DOCUMENT

2.7 Many organisations took the opportunity to comment on other areas of the Consultation Document. Within these comments there were some recurring themes.

#### *Definition Too Narrow*

2.8 Some organisations thought that the definition of Gardens and Designed Landscapes in 2.2 was too narrow and expressed concern that it implied all gardens are laid out for artistic effect. It was argued that such a definition would appear to exclude other types of gardens where artistic effect is minimal for example, botanical gardens and allotments. One respondent asked for the term "Historic Gardens and Designed Landscapes" to be used.

### *National / Local Interest*

2.9 There was concern that the only sites which would be included in the Inventory would be those of “national” importance. Some respondents said that this was not in keeping with the European Landscapes Convention which had been signed by the UK in February 2006 and which adopts a more holistic approach. Some said the approach was too elitist. There was concern about what would happen to the sites of “local” importance with some feeling that this had not been dealt with sufficiently in the consultation document. It was suggested that the sites could be graded instead of excluding local sites, for example “N” for national importance and “L” for local importance. It was further pointed out that it would help protect local sites if they were to be included in the national system of protection.

2.10 Additionally, it was suggested that there should be a national register of trees and that historic town gardens should be included in the Inventory.

### *Local Authorities*

2.11 Following on from the debate about national and local interest concern was expressed that if responsibility to identify local sites was to be left to Local Authorities then they might not have the necessary resources and expertise. It was argued that to identify sites the Local Authorities would need more resources and training. Some also suggested that a nationally agreed “good practice guide” should be introduced so that there was some uniformity in identification.

### *Partnerships*

2.12 There was criticism that the consultation document centred on Historic Scotland and not enough was made of potential partners, for example in the voluntary sector, and the role they could play. It was further remarked that there was a need:

*for the Strategic Policy for all Scotland’s gardens and designed landscapes to be separated from the role of Historic Scotland in this document. There are a great many organisations and individuals in the public, private and voluntary sectors that are involved in and promote the care, protection and enjoyment of Scotland’s gardens and designed landscapes.*

*Role of SNH*

2.13 Of those that commented on this issue most regretted the withdrawal of SNH. A few welcomed the fact that there would now only be one point of contact but even then there was a desire that SNH would somehow continue to be involved in the procedure.

*Sustainability*

2.14 Mention was made of the need to say more about sustainability.

### **3. CONCLUSIONS**

3.1 The consultation document created a high level of interest in the historic environment. There was a good spread of responses between Local Authorities, the Voluntary Sector and the Public, Professional Bodies and Academics and Public Bodies.

3.2 Most of the proposals in the document were welcomed however, some, such as the criteria, provoked some disagreement. Historic Scotland has noted all the responses and shall consider the policy on gardens and designed landscapes further.

## **ANNEX: SHEP 3 CONSULTATION RESPONSES**

### LOCAL AUTHORITIES

Aberdeenshire Council  
Argyll and Bute Council  
The Association of Local Government Archaeological Officers  
Clackmannanshire Council  
Comhairle Nan Eilean Siar  
Dumfries & Galloway Council  
East Ayrshire Council  
Falkirk Council  
Fife Council  
Glasgow City Council  
The Highland Council  
North Lanarkshire Council  
Renfrewshire Council  
East Ayrshire Council  
South Ayrshire Council  
South Lanarkshire Council  
West Dunbartonshire Council

### VOLUNTARY SECTOR AND THE PUBLIC

The Architectural Heritage Society of Scotland  
The Association for the of Protection of Rural Scotland  
Central Scotland Forest Trust  
The Council for Scottish Archaeology  
Garden History Society in Scotland  
Historic Houses Association for Scotland  
David Lynn  
The National Trust for Scotland  
Edwina Proudfoot  
Saltire Society  
Scottish Civic Trust  
The Tree Council  
Woodland Trust Scotland & Ancient Tree Forum

### PROFESSIONAL BODIES, PROFESSIONAL ORGANISATIONS AND ACADEMICS

Peter Daniel  
Christopher Dingwall (Guidelines)  
Edinburgh College of Art  
Institute of Field Archaeologists  
Landscape Institute Scotland  
Peter McGowan Associates

Royal Institute of Chartered Surveyors  
The Royal Town Planning Institute

PUBLIC BODIES

Historic Environment Council for Scotland  
Loch Lomond & the Trossachs National Park Authority  
Scottish Natural Heritage