



Gardens and Designed Landscapes

‘...a living CULTURAL RECORD...reflecting centuries of
SOCIAL and ECONOMIC change...widely ENJOYED by people of
all AGES, BACKGROUNDS and CULTURES...’

Contents

Section 1	The Consultation process	2
Section 2	Scottish Ministers' policies	5
Section 3	The role of Historic Scotland	12
Section 4	Conclusion	16

Published by Historic Scotland

© Crown copyright 2006

1. The consultation process



Introduction

1.1 This draft Scottish Historic Environment Policy (SHEP) paper invites 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 poses a number of questions on which Scottish Ministers wish to consult about the future protection of gardens and designed landscapes.

Sir William Bruce designed the formal terraces and parkland avenues in the 1680s, at Balcaskie House, in Fife.

Responding to this consultation paper

1.2 We are inviting written responses to this consultation paper by 23 June 2006.

Please send your response to:

hs.shep@scotland.gsi.gov.uk

or

SHEP 3 Consultation

Historic Scotland

Room 2.9

Longmore House

Salisbury Place

Edinburgh EH9 1SH

or by fax to:

0131 668 8699

If you have any queries contact

Dr Gordon Barclay on

0131 668 8919.

1.3 We would be grateful if you could clearly indicate in your response which parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

1.4 This consultation, and all other Scottish Executive consultation exercises, can be viewed online on the consultation web pages of the Scottish Executive website at www.scotland.gov.uk/consultations. The consultation can also be viewed on the Historic Scotland website at www.historic-scotland.gov.uk. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

1.5 The Scottish Executive (SE) now has an email alert system for consultations (SEconsult: www.scotland.gov.uk/consultations/seconsult.aspx). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SE distribution lists, and is designed to allow stakeholders to keep up to date with all SE consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

1.6 We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form enclosed with this consultation paper as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

1.7 All respondents should be aware that Historic Scotland, as an agency of the Scottish Executive, is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.



Next steps in the process

1.8 Where respondents have given permission for their response to be made public (see the attached Respondent Information Form), these will be made available to the public in the Scottish Executive Library by 21 July 2006 and on the Scottish Executive consultation web pages by the same date. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the Scottish Executive Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

Monzie Castle designed landscape, near Crieff in Perthshire, is a fine example of 'picturesque' landscape style.

1.9 Following the closing date, all responses will be analysed and considered along with any other available evidence. We aim to issue a report on this consultation process by 15 September 2006 and to publish a final version of the policy in due course.

Comments and complaints

1.10 If you have any comments about how this consultation exercise has been conducted, please send them to Dr Gordon Barclay as detailed above.

2 Scottish Ministers' policies

Purpose

2.1 This document sets out 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 poses a number of questions on which Scottish Ministers wish to consult about the future protection of gardens and designed landscapes.

Definition

2.2 Gardens and designed landscapes can be defined as grounds that are consciously laid out for artistic effect and most often contain architectural features, trees, shrubs, flowers, water features, lawns, woodland and parkland.

Background

2.3 Humans have always interacted with the physical landscape, to meet both the immediate needs of shelter, food and warmth and to meet other needs. Scotland's earliest

documented gardens took the form of simple enclosures, usually attached to a monastery or castle. These early enclosures were mainly to produce food, but growing economic prosperity led to the expansion and inclusion of gardens into wider designed landscapes, incorporating parkland, woodland, water and architectural features, and exotic plant collections. Many also incorporated and deliberately exploited existing natural features, either within the designed landscape or as the frame or focus of a long-distance view or as a setting for a building or structure. The development of gardens and designed landscapes reflects people's aspirations and recreational needs, as well as food production.

2.4 Fashions changed over time, through formal, informal, picturesque and modern styles, and many designed landscapes show these layers of change today. They are important tourist attractions, rich wildlife havens, major parts of the Scottish scenery, and are living examples of unique artistic

talent. They are a living cultural record reflecting centuries of social and economic change and are widely enjoyed by people of all ages, backgrounds and cultures.



The maze at Scone Palace near Perth is a popular visitor attraction.

Schoolchildren exploring a tunnel at Castle Toward in Argyll and Bute.

The Inventory of Gardens and Designed Landscapes

2.5 For more than 20 years government have recognised the need to identify the nation's most important gardens and designed landscapes. Such recognition resulted in the production of an inventory of sites: the Inventory of Gardens and Designed Landscapes in Scotland (the 'Inventory'), published in five volumes in 1987-88. The original Inventory contained 275 sites. Supplementary 'Extension' volumes have been prepared for the Lothians, the Highlands, the Northern and Western Islands and Fife. Currently, there are 346 sites included in the Inventory. Inclusion of a site means that it receives recognition and a degree of protection through the planning system.

2.6 Compilation and management of the Inventory is undertaken on behalf of Scottish Ministers by Historic Scotland and Scottish Natural Heritage.



Identifying sites: statutory position

2.7 Scottish Ministers are committed to maintaining the Inventory and will continue to develop and review it. Their aim is to ensure that all sites of national importance are identified and included. However, at present, there is no statutory duty placed upon Scottish Ministers to compile or maintain the Inventory. This is different from the identification of buildings and ancient monuments, for which Scottish Ministers are required by law to maintain a List (of buildings of special architectural or historic interest) and a Schedule (of nationally important ancient monuments). In order to ensure the long term protection of gardens and designed landscapes Scottish Ministers are considering making identification of sites a statutory obligation and giving the Inventory legal status.

Question 1:

Should Scottish Ministers have a statutory duty to compile and maintain an Inventory of gardens and designed landscapes in Scotland?



Gardens and Designed Landscapes of national importance

2.8 The Inventory was set up to identify sites of national importance. It is Scottish Ministers' intention that this should continue.

2.9 The following principles will underpin the process for identifying Inventory sites:

- a. no part of Scotland is inherently more or less likely to produce sites of national importance for inclusion in the Inventory;
- b. inclusion of sites in the Inventory will be based on an appreciation of the character of Scotland's gardens and designed landscapes and on the basis of clear criteria and guidance;
- c. inclusion of sites in the Inventory will be carried out in a consistent way across Scotland;
- d. owners and occupiers of land on which gardens and designed landscapes lie, and the local authorities in which they are situated, will be consulted on proposals to add a site to the Inventory, other than in exceptional circumstances;
- e. identifying sites will be an ongoing process that recognises that every generation will have its own view of what comprises its heritage;
- f. decisions on including and removing sites from the Inventory will be made on the basis of the best information available; and

...a living cultural record reflecting centuries of social and economic change...

g. all decisions relating to including a site in the Inventory will be explained in clear language.

2.10 When assessing an individual site for inclusion in the Inventory, Scottish Ministers will expect Historic Scotland to use the following criteria and factors:

- a.** the value of the site as a work of art in its own right;
- b.** the historical interest and importance of the site;
- c.** the horticultural/arboricultural interest and importance of the site;
- d.** the architectural interest and importance of the site;
- e.** the scenic interest and importance of the site;
- f.** the nature conservation/scientific interest and importance of the site;
- g.** the archaeological interest and importance of the site;

- h.** the condition of the site today;
- i.** the integrity of the design.

2.11 To be deemed as being of national importance, and therefore to be included in the Inventory, a site will usually have to score highly against a majority of these factors. In particular it would have to be demonstrated that it had sufficient integrity in its design to merit future protection.

Question 2:

Are these the appropriate criteria and factors for considering which sites should be included in the Inventory?

Gardens and Designed Landscapes of local interest

2.12 Scottish Ministers recognise that there are gardens and designed landscapes across Scotland that do not meet the criteria set for national importance but which nevertheless make a contribution to the local historic environment. It will be for the planning authorities to consider such sites in the context of local priorities.

Protecting Inventory sites: statutory position

2.13 At present there is no primary legislation in place that gives protection to gardens and designed landscapes. The only legislative protection is the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (the GDPO), which requires planning authorities,

prior to granting planning permission, to consult Scottish Ministers on ‘development which may affect a historic garden or designed landscape’. This means that inclusion of a site on the Inventory is a material consideration in the planning process and any planning proposal that would affect a site included in the Inventory must be referred to Scottish Ministers (through Historic Scotland) and to Scottish Natural Heritage.

Roses, catmint and ladies' mantle in flower in the gardens of House of Pitmuies in Angus.



2.14 The Inventory is defined in the GDPO as the volumes published in 1988. An effect of this definition is that all sites added since 1988 fall outwith the formal scope of being an Inventory site. It is Scottish Ministers’ intention to amend the relevant legislation to ensure that all sites included in the Inventory automatically receive protection under the GDPO. This will be done at the earliest legislative opportunity.

Protecting Inventory sites: is there a need for greater protection?

2.15 At present work or change to an Inventory site does not require any special consent unless it is development as covered by the planning system or work relating to any scheduled monument or listed building contained within the site, or works affecting the setting of an A-listed building or scheduled ancient monument possibly lying outwith the site itself. Scottish Ministers wish to consult on whether there should be greater protection for Inventory sites, for example by introducing a consent regime for works or alterations that would affect the special character of the site itself or by introducing a voluntary management plan system for Inventory sites.

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?*

Protecting Inventory sites: the role of planning authorities

2.16 In considering planning applications for developments affecting Inventory sites, planning authorities are required at present to consult Scottish Ministers (through Historic Scotland) and Scottish Natural Heritage and to have regard to their views.

2.17 Scottish Ministers expect planning authorities to have careful regard to the specific qualities, character and integrity of gardens and designed landscapes. This means that where change is to take place it should be managed carefully with the aim of ensuring the significant elements justifying inclusion in the Inventory should be identified and protected. Planning authorities are encouraged to obtain management plans for gardens and designed landscapes from owners both to identify conservation needs and direct how change can be best accommodated. Historic Scotland is always pleased to advise planning authorities on such matters.

2.18 At present, where a planning authority is minded to grant consent to a planning application that affects an Inventory site and Scottish Ministers (through Historic Scotland), or Scottish Natural Heritage have voiced objections, there is no requirement on the planning authority to notify Scottish

Ministers under the terms of the Notifications Direction. This puts Inventory sites in a less advantageous position than category A-listed buildings and scheduled monuments – similarly nationally-important heritage assets – for which planning authorities have to notify Scottish Ministers when Historic Scotland objects to a development that affects their setting.

2.19 Scottish Ministers are of the view that the Notifications Direction should be amended to place Inventory sites on a par with category A-listed buildings and scheduled monuments. This would mean that planning authorities would have to notify Scottish Ministers that they were minded to approve a planning application to which Historic Scotland had objected and Scottish Ministers would then have the opportunity to decide if they wished to call in the application for their own determination.

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 scheduled monuments?*

Protecting Inventory sites: role of Scottish National Heritage

2.20 The responsibility for compiling, sponsoring and maintaining the Inventory rests jointly with Historic Scotland and Scottish Natural Heritage. However, the work is actually carried out by specialist

professional staff in Historic Scotland. Both organisations are required to be consulted by planning authorities on planning applications for development that would affect an Inventory site. A recent review of Scottish Natural Heritage has suggested that Historic Scotland should take on sole responsibility for compiling the Inventory and responding to planning application consultations.

2.21 Scottish Ministers plan to transfer sole responsibility for compiling and maintaining the Inventory to Historic Scotland from 2008-9, when the current three-year programme of shared responsibility ends. Ministers also intend to amend at the earliest opportunity the relevant GDPO legislation to

make Scottish Ministers (through Historic Scotland) the only statutory consultee on planning applications for development affecting an Inventory site. When this has been done Historic Scotland will be expected to consult Scottish Natural Heritage on the latter's policy interests where these are not otherwise covered by the planning system.

The role of the voluntary sector

2.22 Scottish Ministers value the contribution that the voluntary and volunteering sectors make to most aspects of Scottish life. They recognise that the sector has a long and valued history of promoting the protection and conservation of, and public access to, gardens and designed landscapes. Ministers look to Historic Scotland to continue to work positively in partnership with the sector to take forward Ministers' policies and aspiration for Scotland's gardens and designed landscapes.

Clearing leaves in the Cruickshank Botanic Garden in Aberdeen.



3 The role of Historic Scotland

Introduction

3.1 Historic Scotland is an executive agency of the Scottish Executive. It carries out Scottish Ministers' duties and responsibilities and is responsible for safeguarding Scotland's historic environment and promoting its understanding and enjoyment. Scotland's rich heritage of gardens and designed landscapes is a key component of our historic environment.

3.2 Historic Scotland's work on gardens and designed landscapes is undertaken by a specialist team, which was strengthened in 2005, and now comprises professional and dedicated administrative resources.

Key objectives

3.3 One of Historic Scotland's key objectives is to identify gardens and designed landscapes and to support their conservation and protection. In meeting this objective, Historic Scotland will:

a. Continue to identify nationally important gardens and designed landscapes for inclusion in the Inventory. To achieve this we will:

(i) maintain, up-date and review the Inventory to ensure that it meets the needs of owners, planning authorities and others with an interest in gardens and designed landscapes;

(ii) develop a programme of priority areas for review in consultation with planning authorities and other stakeholders, and in response to submissions from third parties; and,

(iii) publish Inventory information on-line to make it more accessible.

b. Advise planning authorities on Inventory issues in the context of preparing local plans and respond to consultations on planning applications for developments that affect Inventory sites. To achieve this we will:

- (i) comment on draft local plans and other local authority plans and programmes that affect Inventory sites; and

(ii) respond to consultations by planning authorities on development proposals that affect Inventory sites.

c. Support the sustainable management of Inventory sites. To achieve this we will:

- (i) work closely, and wherever possible in partnership, with relevant bodies to advise on the impact of change and the best management of the resource;



The formal gardens at Drummond Castle in Perthshire have been described as the finest in Scotland.

(ii) seek to identify the condition of Inventory sites and their conservation needs as part of the Historic Environment Audit;

(iii) publish information on sources of financial and other help that may be available to the owners and managers of Inventory sites.

d. Promote awareness, understanding and enjoyment of Scotland's gardens and designed landscapes as an important and fragile

Subtropical tree ferns thrive at Logan Botanic Garden in Dumfries and Galloway, in an area warmed by the Gulf Stream.



component of the historic environment. To achieve this we will:

(i) promote awareness and understanding of the resource and its management needs through producing good practice advice and guidance;

(ii) make information about Inventory sites available through the Historic Scotland website www.historic-scotland.gov.uk and PASTMAP www.pastmap.org.uk (a map-based internet site provided through a partnership between Historic Scotland, the Royal Commission on the Ancient and Historical Monuments of Scotland and participating planning authorities); and

(iii) work with the Scottish Civic Trust, the Garden History Society in Scotland and Scotland's Gardens Scheme to promote access to gardens and designed landscapes during the annual Doors Open Day events and throughout the year.

e. Demonstrate best sustainable management practice of gardens and designed landscapes in the care of Scottish Ministers and managed on their behalf by Historic Scotland. To achieve this we will:

(i) create and implement a strategy for accurate historical representation of the gardens and designed landscapes in State care, and promote this aspect more fully to visitors.

Working with others

3.4. In the past an Inventory Steering Group advised on which sites ought to be assessed for inclusion in the Inventory. In addition to Historic Scotland and Scottish Natural Heritage, membership of this group included representatives of the Garden History Society, the National Trust for Scotland and the Royal Botanic Garden. Scottish Ministers wish to consider whether a

Stakeholder Advisory Group, covering wider interests, would be more appropriate. The group's role would be to consider and advise on all aspects of Scotland's gardens and designed landscapes.

Question 5:

Should a Stakeholder Advisory Group replace the Inventory Steering Group? Who do you think would be best placed to sit on it?

Clipped yew hedges, south of the imperial stair, enclose the Japanese fountain at Balcarres in Fife.



4 Conclusion

4.1 Our gardens and designed landscapes are an invaluable resource for the people of Scotland and for others who come to our country. Scottish Ministers believe the quality of this resource, at its best, to be of importance on a national and international level. Ministers believe, too, that we have a duty to pass this asset on to future generations in good condition, so that they might enjoy them as we can and do.

4.2 Scottish Ministers' aim is to ensure that, on behalf of us all, we have appropriate, relevant, achievable policies in place to secure the best for this rare but shared resource. You can help in this process by responding to any of the questions or other issues raised above.

One of the Antonio Bonazza statues at Torosay Castle on the island of Mull, Argyll and Bute.

