



Scheduled Monuments

A GUIDE FOR OWNERS, OCCUPIERS AND MANAGERS



HISTORIC SCOTLAND
ALBA AOSMHOR

Front cover images

Main right:

Easter Bleaton, a post-medieval township in Perth and Kinross © Crown Copyright:
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Top left:

Kidlaw hillfort, East Lothian © Crown Copyright: Historic Scotland

Bottom left:

Dun Carloway broch, Western Isles © Crown Copyright: Historic Scotland

Introduction

Archaeological sites and monuments are part of our national and local identity, the physical remains of the people who lived in Scotland over the past 10,000 years. They are a unique resource and an important part of Scotland's history. They help to give Scotland's regions their special character and contribute to education, tourism, sustainability and our quality of life today.

Archaeological sites and monuments are often fragile and vulnerable. They need careful management to improve their chances of survival. Those that are of national importance can be given legal protection by designating them as 'scheduled monuments'. Scheduling helps protect our most important archaeological sites and monuments in the national interest.

Archaeological monuments offer a real, physical link with the past. Hill of Skellister, standing stone, Shetland.
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The legal basis for designation and control of works to scheduled monuments is the Ancient Monuments and Archaeological Areas Act 1979 (as amended by the Historic Environment (Amendment) (Scotland) Act 2011). This is referred to as ‘the Act’ in this booklet.

Historic Scotland is an executive agency of the Scottish Government. It recommends monuments for scheduling, encourages the positive management of scheduled monuments and controls works on scheduled monuments through the legal consent process.

Historic Scotland offers information, expert advice and support. Here, a Heritage Management Officer is advising on works to the church at Kilchenzie, Argyll & Bute. © Crown Copyright: Historic Scotland.



What types of sites and monuments are scheduled?

The oldest scheduled monuments date from around 8,000 years ago, when people first settled in Scotland. The most recent include Second World War gun emplacements and anti-invasion defences. In between is a huge range of monuments of all types, from prehistoric burial mounds to Roman forts, from early Christian carved stones to industrial mills. There are over 8,000 scheduled monuments spread right across Scotland.



*19th-century timber ponds on the banks of the Clyde estuary. Although the majority of scheduled monuments are on land, a number lie on the foreshore, or under the sea.
© Crown Copyright: Historic Scotland.*

Some archaeological sites and monuments – such as prehistoric stone circles, ruined castles and 20th-century military remains – are obvious today. Others are less obvious because they have left no trace on the surface, but are protected because of important remains preserved below the ground.



*Long-term ploughing may have removed the surface traces of sites. However, certain conditions can result in sites being visible from the air (so-called cropmarks). This cropmark shows the ditches of a Roman camp (centre) and a Roman fort (bottom left) at Dalginross, Perth and Kinross.
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What is scheduling?

Historic Scotland compiles and maintains a Schedule (a list) of monuments of national importance on behalf of Scottish Ministers. Scheduling is the process of adding monuments to this list.

The aim of scheduling is to preserve sites and monuments as far as possible in the form in which they have come down to us today.

Historic Scotland deals directly with all matters affecting scheduled monuments. The final decision on what is scheduled rests with Historic Scotland.

Historic Scotland assesses monuments for scheduling against guidance and criteria set out by Scottish Ministers. This takes account of a wide range of factors, including artistic, archaeological, architectural, historic, traditional, aesthetic, scientific and social.



Ancient monuments need not be decorative or impressive to be important. This site at Stiaraval in the Western Isles comprises the remains of a Neolithic Hebridean passage-grave as well as much later shielings. The site has the potential to provide important information about prehistoric burial rites and about more recent agricultural practices. © Crown Copyright: Historic Scotland.

Scheduling is an ongoing process. Scheduling began in 1882 when the first Ancient Monuments Act was passed. We assess and reassess monuments as our knowledge and understanding of what survives and its importance changes. Sometimes monuments are rescheduled to bring the maps and descriptions up-to-date. The process of rescheduling is the same as for scheduling.

Scheduling is not the same as listing. Listing is designed to protect historic buildings and structures which are still in use or capable of re-use, and is an entirely different legal process. However, scheduling and listing both provide a foundation to inform the management of change.

The *Scottish Historic Environment Policy* contains more detail about protecting Scotland's important buildings and monuments. It sets out the criteria for determining whether a monument is of national importance.



A section of upstanding turf wall and ditch on the Roman Antonine Wall, now part of a World Heritage Site. In many cases the area of interest and importance, and therefore the scheduled area, extends beyond – sometimes well beyond – the visible remains.
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How will scheduling affect me?

Scheduling does not affect ownership. A scheduled monument remains the property of its owner.

Owners, occupiers and managers are key to ensuring the survival of scheduled monuments. Your help in protecting these important remains will make a valuable contribution to Scotland's future.

Once a monument is scheduled, the prior written consent of Scottish Ministers is required for most works – including repairs. This is known as Scheduled Monument Consent (SMC) (see below: *Consented works*). Consent is also required for metal detecting on a scheduled monument (see page 16).

Scheduling gives no additional right of public access and is unlikely to cause an increase in the number of visitors. Historic Scotland does not promote access to scheduled monuments in private ownership. Officers appointed by Scottish



*The excavation of a prehistoric palisaded enclosure at Dryburn Bridge, East Lothian, as seen from the air. Sites surviving just beneath the ploughsoil can be vulnerable to changes in land use.
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St Olaf's Church, Unst, Shetland. Scheduling does not change the wide-ranging provisions for public access to land in the Scottish Outdoor Access Code (see www.outdooraccess-scotland.com). © Crown Copyright: Historic Scotland.

Ministers have a right of entry to all scheduled monuments where access is required urgently or to inspect the monument, but only after making all reasonable efforts to contact the owner or occupier first.

Scheduling does not give archaeologists any special status with regard to access to, or work on, privately owned land. Archaeologists who want to dig on a scheduled monument require permission from the landowner and occupier, as well as SMC. The owner may choose not to give permission.

Buying and selling property containing a scheduled monument

If you are selling, it is helpful to inform the potential purchaser that there is a scheduled monument on the land, and to arrange for the scheduling documents to be passed on to the new owner; this helps ensure continued protection for the monument. Historic Scotland keeps a record of the contact details of owners and occupiers. **Please let us know about changes in ownership or occupancy so that we can keep our records up-to-date.**

If you are buying, your solicitor should find out about the existence of a scheduled monument through the Register of Sasines or the Land Register during the normal searches. The information is also available at no charge on Historic Scotland's website: <http://data.historic-scotland.gov.uk> (see below: *How can I find out what is scheduled?*).

Works on scheduled monuments

Consented works

Scheduled Monument Consent (SMC) is administered by Historic Scotland on behalf of Scottish Ministers. Under the Act, works are defined as anything resulting in the demolition or destruction of a scheduled monument, any works for the purpose of removing or repairing a monument, or any flooding or tipping operations.

Works requiring consent include a very wide range of activities, for example, erecting polytunnels, felling or planting trees, erecting fences, repairing drains, and archaeological excavation – amongst others.

You will still need SMC if you are trying to protect or repair the monument. It is easy to damage a monument unintentionally.

Some types of works do not require SMC as they are deemed to have consent, under the terms of the *Ancient Monuments (Class Consents) (Scotland) Order 1996*. For example, if ploughing has been legally undertaken on a monument in a 10-year period up to the date when the works commence, then similar ploughing may continue without SMC. However, not all agricultural activity is automatically covered by class consents. It is important to note that most changes to an earlier agricultural regime (for example, deeper ploughing, sub-soiling or drainage works) would need SMC. Conversely, a change of use from ploughing to pasture would not require SMC.

It is best to discuss your proposals with Historic Scotland (the Heritage Management Officer for your area) before submitting an application for consent. Historic Scotland does not charge for applications or advice.

Our Heritage Management Officers are happy to offer advice on proposals at an early stage. This may enable consent to be granted more quickly. Any works to a scheduled monument need permission from the landowner and occupier, as well as consent. If you do not own the land, you must inform the owner that you are applying for consent.

Historic Scotland's website and Guidance Note, *Managing Change in the Historic Environment: Works on scheduled monuments*, provides more information.



Historic Scotland encourages early discussions about proposed works.
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Unauthorised works

It is an offence to carry out unauthorised works, or to allow unauthorised works to be carried out on a scheduled monument without consent.

Historic Scotland will seek to work with owners and others to ensure compliance with the Act. If breaches of the Act occur, enforcement action will be undertaken in a proportionate manner, ranging from an advisory letter, a formal notice of enforcement, or referral to the Procurator Fiscal.

Applying for Scheduled Monument Consent

You can apply for SMC by completing a paper or electronic form. This asks for details of the monument, the owner (who need not be the person applying for consent) and the proposed works. The form is available on Historic Scotland's website or from our Heritage Management Directorate at hs.smc@scotland.gsi.gov.uk. You should provide enough information to allow the proposed works and their impact on the monument to be understood, including a map showing the location of the works. It is best to discuss your proposals with the Heritage Management Officer for the area before submitting an application for consent.

Castle Kennedy, Dumfries and Galloway. Sensitive ivy clearance would benefit this scheduled monument and would require Scheduled Monument Consent (SMC). © Crown Copyright: Historic Scotland.



The SMC process normally takes up to nine weeks from start to finish. Each application is considered on its own merits. Our consideration of an application may include a visit from a member of our staff to inspect the monument and/or discuss the application.

Where the works are acceptable, consent may be granted without conditions. Consent without conditions is normally issued within five weeks of receipt of the application.

Sometimes it is necessary for Historic Scotland to apply conditions to consent, or even to refuse consent. In these cases, a provisional view will normally be issued within five weeks. You can accept the provisional view within 28 days, or you can make representations to Historic Scotland.

If agreement cannot be reached, Scottish Ministers will decide how to determine the application. This may take the form of written submissions, a hearing or a public local inquiry, or a combination of these. The final decision on an Inquiry Reporter's recommendations is taken by Scottish Ministers.

If a monument is both listed and scheduled, only SMC is required for any work. However, Listed Building Consent (LBC) may still be required for works to any listed structures outside or excluded from the scheduled area. LBC should be sought from your local authority, who will be able to advise you.

Before (left) and after (right) images showing volunteers clearing harmful vegetation from a broch at Loch Brora in the Highlands.
© Crown Copyright: Historic Scotland.



How can I find out what is scheduled?

Current information on monuments contained in the Schedule is available from Historic Scotland's data website at <http://data.historic-scotland.gov.uk>. Here you can download maps and copies of the legal documentation for each scheduled monument, as well as find out about other types of designation, such as listing.

You may also request this information from us directly if you prefer.

Scheduling documents are also available to anyone searching the Register of Sasines or the Land Register for the title to a property.

Historic Scotland also makes its data available on PASTMAP (www.pastmap.org.uk), a website jointly developed with the Royal Commission on the Ancient and Historical Monuments of Scotland, where you can search for information on Scotland's historic environment from multiple sources.



An example of early prehistoric rock carvings, consisting mostly of cup and ring marks, on a rocky outcrop near Achnabreck, Argyll and Bute. © Crown Copyright: Historic Scotland.

Caring for scheduled monuments

Many scheduled monuments are stable and require little attention, but some will benefit from simple changes in landuse that will ensure no inadvertent damage. Others will benefit from more proactive management that will sometimes require access to specialist conservation skills.

Ignorance is the greatest threat to our archaeological heritage. Sites may be damaged or neglected because people do not know they are there, how important they are or what actions may cause damage. It is particularly important to ensure that everyone working on your land (including contractors, who will be less aware of local features) knows of the presence and extent on the ground of scheduled monuments. If you permit work that damages a scheduled monument, then you may be liable.

Historic Scotland encourages the beneficial management of monuments. We can help by offering advice, grants and by entering into agreements. Our Heritage Management staff can offer free advice on how best to manage scheduled monuments, as well as guidance on the financial assistance that may be available. Owners and occupiers can contact us for advice at any time.

Our Field Officers visit scheduled sites and their owners periodically. They check the condition of the site, offer advice on monument management and ensure that everyone with a current interest in the site knows about its protected status.

Historic Scotland's Ancient Monuments Grants programme may be able to provide financial assistance to help preserve and maintain monuments, and in some cases to present them to the public. Owners of monuments, land managers or other bodies acting with the owner's written approval are eligible for grants.



Moy Castle, Argyll & Bute. Assistance may be available for work that benefits a monument's condition or contributes to its long-term survival. © Crown Copyright: Historic Scotland.

Further information on caring for monuments and on the financial assistance that may be available to owners and occupiers of scheduled monuments can be found in our booklet *Managing Scotland's Archaeological Heritage*.

Metal detecting and scheduled monuments

It is an offence to use a metal detector on a scheduled monument without prior written permission from Scottish Ministers. This comes under section 42 of the Ancient Monuments and Archaeological Areas Act 1979. Application forms for section 42 consent are available on Historic Scotland's website or from our Heritage Management Directorate at hs.smc@scotland.gsi.gov.uk.

Responsible detectorists will usually seek the permission of landowners before working on their land, and will avoid legally protected sites and activities that could damage sensitive places. If a metal detectorist asks you for permission to detect on a scheduled site, you should inform them that the site is legally protected, that metal detecting requires prior written permission from Scottish Ministers, and refer them to Historic Scotland. If they ignore you,

or simply start work without seeking permission, and you think they are on a scheduled area, we would recommend that you contact your local Police Station as soon as possible. If you could also let Historic Scotland know of such incidents, this would be appreciated.

Historic Scotland provides another free booklet about metal detecting, scheduled monuments and the law. Please contact us if you would like a copy.



*Metal detecting on a scheduled monument requires prior written permission from Scottish Ministers.
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Contacts and links to other organisations

Historic Scotland

For advice on scheduled monuments, copies of the publications mentioned above, or further copies of this booklet, contact:

Historic Scotland Scheduling and Marine Team
Longmore House
Salisbury Place
Edinburgh
EH9 1SH
Tel: 0131 668 8766
Email: hs.schedulingteam@scotland.gsi.gov.uk

It will help us to deal with your query efficiently if you can tell us which local authority a site is in and supply its national grid reference and/or its scheduled name and number.

Gus an leabhran seo fhaighinn sa Ghàidhlig cur fios gu Christine Kelly on 0131 668 8914.

For queries relating to monument management, SMC or grants, please contact:
Tel 0131 668 8770
Email: Hs.Heritagemanagement@scotland.gsi.gov.uk

Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS)

RCAHMS is the national body for the survey and recording of architectural and archaeological monuments of all periods in Scotland, and provides the national database of archaeological sites and monuments, working closely with council archaeology services. RCAHMS does not give advice on the preservation and management of sites or monuments – that should be sought from council archaeology services (unscheduled sites) or Historic Scotland (scheduled monuments). The Commission welcomes visitors to its collections. No appointment is necessary, but it is advisable to telephone in advance:

RCAHMS, Sir John Sinclair House, 16 Bernard Terrace, Edinburgh EH8 9NX
Tel: 0131 662 1456; Fax: 0131 662 1477/1499
www.rcahms.gov.uk

Council archaeology services

Contact your local council archaeologist or archaeology service (often based in the planning authority) for advice on development control matters or on managing unscheduled monuments. See www.archaeologyscotland.org.uk/?q=node/214 for a complete list of council archaeology services.

Archaeology Scotland

Archaeology Scotland coordinates and manages the Adopt-a-Monument scheme. Its Rural Landuse Adviser works with farming and crofting communities, agricultural advisers, land managers and others to improve the management and understanding of archaeology in the rural context.

Tel: 0845 872 3333

Email: info@archaeologyscotland.org.uk
www.archaeologyscotland.org.uk

Treasure Trove Unit

Contact the Treasure Trove Unit to report finds or for further information on the law on Treasure Trove and finds reporting:

Tel: 0131 247 4355

Email: info@treasuretrovescotland.co.uk
www.treasuretrovescotland.co.uk/

Administrative grievances

The Scottish Public Services Ombudsman Act 2002 provides a simple and effective means for members of the public to make complaints about maladministration and service delivery arising from the activities of public authorities in Scotland.

A complaint can be made by an aggrieved person (or their representative including an MSP or local councillor) within 12 months of the day after the aggrieved person had notice of the matter of complaint. You can contact the Ombudsman at the following address:

The Scottish Public Services Ombudsman
Freepost EH641
Edinburgh
EH3 0BR
enquiries@scottishombudsman.org.uk

Online Resources and Publications

Historic Scotland's website for **information about scheduled monuments** at: <http://www.historic-scotland.gov.uk/index/heritage/searchmonuments.htm>

You can also **search, view and download maps and information on scheduled monuments**, including PDF versions of the legal documents, on Historic Scotland's data website: <http://data.historic-scotland.gov.uk>

Scottish Historic Environment Policy at: <http://www.historic-scotland.gov.uk/shep-dec2011.pdf>

Historic Land-Use Assessment data is available through HLAmap at <http://hla.rcahms.gov.uk/>

The Inventory of Gardens and Designed Landscapes is at: <http://www.historic-scotland.gov.uk/gardens>

The Inventory of Historic Battlefields is at: <http://www.historic-scotland.gov.uk/battlefields>

The **location of all known sites and monuments** (scheduled and unscheduled), and protected historic landscapes, is shown on PASTMAP at www.pastmap.org.uk

Information on **historic wrecks** can be obtained at: <http://www.historic-scotland.gov.uk/index/heritage/wrecksites.htm>

Free booklets and downloads from Historic Scotland include:

- *Managing Change in the Historic Environment: Works on Scheduled Monuments*
- *Scheduled Monuments: A Guide for Owners, Occupiers and Managers*
- *Grants for Ancient Monuments: A Guide to Grants Available for the Maintenance and Management of Ancient Monuments*
- *Archaeology on Farm and Croft*
- *The Control of Vegetation on Scheduled Monuments and Other Archaeological Sites*
- *Metal Detecting, Yes or No? Metal Detecting, Scheduled Monuments and the Law*
- *The Carved Stones of Scotland: A Guide to Helping in their Protection*
- *The Inventory of Gardens and Designed Landscapes in Scotland: A Guide for Owners, Occupiers and Managers*
- *Historic Shipwrecks: A Guide for Visitors, Investigators and Managers*
- *Guide to the Protection of Scotland's Listed Buildings: What Listing Means to Owners and Occupiers*
- *Managing Scotland's Archaeological Heritage*

Technical Advice Notes (TANs) on the management and conservation of monuments are available for purchase from Historic Scotland, including:

- *TAN 16: Burrowing Animals and Archaeology*; and
- *TAN 17: Bracken and Archaeology*

To obtain copies, tel: 0131 668 8638 or email: hs.cgpublications@scotland.gsi.gov.uk.

For information and advice on access in Scotland, visit: www.outdooraccess-scotland.com/