



WORKSHOP REPORT

SCOTTISH HISTORIC ENVIRONMENT POLICY (SHEP) 3 – GARDENS AND DESIGNED LANDSCAPES

INTRODUCTION

The workshop took place on Wednesday 7th June 2006 and was attended by 28 individuals and representatives of organisations with an interest in gardens and designed landscapes in Scotland. The purpose of the workshop was to provide an opportunity for discussion on, and identification of key issues relating to, Historic Scotland's current draft policy on Gardens & Designed Landscapes (SHEP 3).

PRESENTATION & QUESTIONS

Gordon Barclay, Head of National Policy at Historic Scotland, outlined the background to the SHEP 3 consultation. Following on from the review of Historic Scotland in 2002, a two tier system of historic environment policy is being developed. A series of Scottish Historic Environment Policies (SHEPs) will form the basis of ministerial guidance, whilst operational policies will hold greater detail on how the SHEP series will be implemented.

SHEP 1, currently out for consultation, forms an overarching policy document setting out the Scottish Ministers' vision for the historic environment. SHEP 2, now published, covers the Scheduling of Ancient Monuments; SHEP 3, out for consultation, covers Gardens and Designed Landscapes. A further four more SHEPs will cover Scheduled Monument Consent; Listing; Listed Building Consent; and Battlefields. Historic Scotland now has a team in place to manage the development of the SHEP series. It was noted that the SHEP 3 consultation represents an important step particularly as there is currently no legislative base for gardens and designed landscapes in Scotland. Tony Cairns, Head of the Gardens Team at Historic Scotland, spoke about the background and content of SHEP 3 and the significance of the questions posed within the document.

Questions from participants covered the following issues:

1. The extent to which SHEP 3 recognises the fact that the UK is now a signatory of the European Landscape Convention.
2. Historic Scotland's input into the Scottish Executive's consultation on the General Development Procedure (Scotland) Order.
3. Historic Scotland's input into the Scottish Executive's consultation on Tree Preservation Orders.
4. The relationship between a potential legislative regime for gardens and designed landscapes and the existing protection afforded to curtilage, under the Listed

Buildings and Conservation Areas Act. It was noted that there is a legal definition of curtilage, and that the existing legislation refers to setting.

5. The impact of the Land Reform Act and new access rights.
6. The division of responsibilities between Scottish Natural Heritage (SNH) and Historic Scotland (HS). Participants expressed regret over the loss of this joint responsibility for gardens and designed landscapes.
7. The need for a stronger emphasis on sustainability within SHEP 3.

KEY POINTS MADE IN BREAK OUT DISCUSSION GROUPS

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

- Stakeholders agreed that there should be a statutory duty to compile and maintain an Inventory of gardens and designed landscapes in Scotland. However the following points were made in relation to this duty:
 - The proposed focus for the Inventory is on sites of national significance. There is considerable concern that sites of regional and local significance will be inadequately supported.
 - Robust policies for protecting local landscapes are required.
 - It would be appropriate to introduce a 'grading' system with tiers of significance (as is the case with listed buildings).
 - A statutory duty will have wider management implications for owners.
 - More information and resources will be required at local authority level to handle casework.
 - The transfer of joint responsibility from SNH/HS to HS will result in a loss of expertise relating to broader landscape management issues. This needs to be addressed.
 - SNH has powers to establish management agreements while HS currently has limited ability to grant aid work. A similar ability to develop management agreements would be welcomed.
 - A statutory duty to 'compile and maintain' should be accompanied by other statutory duties – for example to advise; to conserve; to enhance.

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

- Participants agreed that there will be circumstances where sites merit inclusion in the Inventory by scoring highly against just one criterion, whilst not necessarily scoring highly on other factors.
- Participants perceived an emphasis on artistic merit (particularly in the definition of gardens and designed landscapes) - this emphasis was felt to be inappropriate. It was also noted that this particular criterion would be harder to defend in the face of development pressure, and that sufficient design skills would be required to make judgements based on artistic merit. In terms of criteria for designation, the wider cultural context, beyond artistic merit, must be taken into account.
- The criterion on condition was considered inappropriate, as it is a factor that is reversible. It was observed that the existing Inventory is based largely on sites that have been well managed, but that future expansion of the Inventory should not preclude sites that have been neglected. Condition might be considered as part of a consent process.

- Further criteria could cover: risk/vulnerability/rarity of type; recreation/education (particularly following the context of SHEP 1); public benefit/access; biological integrity.
- There is a need for clearer definition of boundaries of Inventory sites. There is also a need for wider landscape significance to be realised in circumstances where designed landscapes overlap and become a critical part of the scenery of a large area (often only the core of a designed landscape is shown on a map). Buffer zones and the significance of setting need to be realised. It was noted that Sites of Special Scientific Interest (SSSIs) are surrounded by a Duty of Care – there is scope for something similar for designed landscapes.
- Historic interest: there is a perceived emphasis on gardens and designed landscapes that are historic in character – the scope of the Inventory must be broader and should cover contemporary designed landscapes as well.
- A general comment was made that the criteria should be treated as aspects that are reported on – for example through a management plan. There is no equivalent set of criteria for listed buildings.

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?

- In general Management Plans were considered to be a very useful tool. Participants identified the resourcing of the preparation of Management Plans as a key requirement.
- A Voluntary Management Scheme would lend itself to the vision and creativity of those managing sites. Some concern was expressed that a formal consent regime may act to deter private owners wishing to manage sites appropriately.
- Curtilage would need to be adequately defined for Inventory sites if a formal consent regime were to be introduced. In addition, a formal consent regime should not undermine the dynamic character of gardens.
- A Voluntary Management Scheme was thought to be a better solution in circumstances where ownership of a site is fragmented.
- The introduction of any system to control work would need to secure buy in from owners. A system of financial incentive would facilitate this.
- Identification and assessment of key elements: It was noted that the operation of Sites of Special Scientific Interest (SSSIs) has moved to a system of ‘operations requiring consent’ – this approach was thought to be a useful model as it would avoid having to define every element considered to be of significance. Participants cautioned against an overly regulatory route as this tends to operate at the lowest common denominator. Some observed that adopting a land based designation process would be more appropriate than following an approach developed for buildings.
- Both options – a formal consent regime or voluntary management plan approach – would require significant resourcing of Local Authorities.

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?

- Participants expressed concern that gardens and designed landscapes are not currently on a par with A-listed buildings and scheduled monuments. Applying the system of notification to gardens and designed landscapes would bring benefits in terms of opening up proposals to wider authority for scrutiny and would therefore be welcomed (this assumes that a system of statutory protection is in place for gardens and designed landscapes).
- Amending the Notifications Direction would have significant resource implications for Local Authorities and also other bodies such as the RCAHMS. Further training/skills development for planners dealing with gardens and designed landscapes would be welcomed.
- Wider community engagement in the planning process will require greater access to information by the community. Local knowledge should be encouraged and layers of information held at different scales. Further advisory literature is urgently needed (it was noted that the Forestry Practice Advice Note is ten years out of date). A notification system would need to be supported through sufficient information provision to the public, for example by advertising in the Edinburgh Gazette and on the Historic Scotland website.
- Responsibility for recording was discussed. It was noted that only in relation to listed buildings does the state take responsibility for recording. With other assets (such as archaeological sites) the 'polluter pays' principle is adopted.

Question 5: Should a Stakeholder Advisory Group replace the Inventory Steering Group? Who do you think would be best placed to sit on it?

- It was noted that a Stakeholder Advisory Group is an appropriate mechanism to adopt in order to support central government expertise (this approach has precedents, for example the Advisory Committee on UK Wrecks Sites). Given the cross cutting nature of the subject, an Advisory Group with a broad range of expertise would be welcomed.
- Such a group should accommodate representation from landscape architecture (Landscape Institute in Scotland), Architecture + Design Scotland, Landowners (for example the Scottish Landowners Federation or Historic Houses Association in Scotland), access interests, academic interests (Landscape Architecture schools).
- Reference was made to the Landscape Forum which is currently being established by Scottish Natural Heritage.

KEY POINTS MADE IN OPEN DISCUSSION

Scope of SHEP 3

- Holistic approach: Concern was expressed over the lack of reference to, and provision for, non-inventory sites of significance in the policy document. A holistic vision of gardens and designed landscapes is required. It was observed that the sites most in need of the policy are those that currently fall outwith the Inventory; these are more likely to be currently under threat. The policy must be able to help such sites.

- Wider involvement: concern was expressed that the document reflects the role of Historic Scotland – participants would like to see a wider policy on gardens and designed landscapes, taking into account the roles of other organisations within the sector.
- European Landscape Convention: SHEP 1 makes reference to the European Landscape Convention. This thread should be picked up in SHEP 3 and implications of the convention applied to Inventory sites, and also at regional and local levels.

Cultural Landscapes

- Concern was expressed over the lack of creative awareness of ‘area based significance’. There is a need to think creatively and enhance understanding about what constitutes a designed landscape: reference was made to the significance of industrial landscapes, and where natural elements are embraced in a design.
- It was noted that the Parliament’s Communities Committee is currently discussing the cultural aspects of National Scenic Areas.
- Reference was made to the fact that Conservation Areas (typically associated with the built environment) have had limited effectiveness as an area-based designation.

Economic Incentives

- It was observed that government agencies should be compelled to protect gardens and designed landscapes.
- It was noted that owners would be more motivated to comply with the requirements of government agencies if some form of economic inducement were made available, such as funding for management plans, grant-aid and tax relief etc.

Guidance and Information

- Participants looked to central government to provide further guidance on the management of local and regional sites.
- It was suggested that ‘local’ inventories could be established that would tie in with local policy. It was noted that more local plans are recognising designed landscapes – this was welcomed.
- Historic Environment Records: it was noted that there is a lot of information already in existence which could help inform decision making at the local level, although coverage of information is patchy. Information needs to be made more accessible.
- Historic Landuse Assessment: it was noted that gardens and designed landscapes exist as a ‘layer’ in the Historic Landuse Assessment.

Roles

- It was stated that SEERAD and the Forestry Commission need to be brought into the equation alongside Historic Scotland in local authority consultation on planning issues.
- Participants endorsed an increase in staffing resource within the specialist gardens team at Historic Scotland.
- Participants recognised the valuable role that Scottish Natural Heritage has made in relation to gardens and designed landscapes.

- The underlying question of who has overall responsibility for the countryside in Scotland concluded discussions.

SUMMARY

Key themes arising were as follows:

- Need for support for non-national sites (SHEP 3 currently proposes a narrow focus on national sites only)
- Resourcing of Local Authorities: to handle casework associated with the proposed new statutory duty; system of notification; and any system of formal consent and/or voluntary management plan scheme
- Need for broader landscape management expertise within central government in relation to gardens and designed landscapes, following transfer of joint SNH/HS responsibility over to Historic Scotland
- Various comments on proposed criteria for adding sites to the inventory; key points being the removal of condition as a criterion, and removal of emphasis (in the definition of gardens and designed landscapes) on artistic merit
- Support for the use of management plans coupled with economic incentives
- Support for amending the Notifications Direction to permit broader scrutiny of proposals
- Support for a Stakeholder Advisory Group with broad expertise (referencing the Landscape Forum currently being established by SNH)
- Implications of the European Landscape Convention for implementing SHEP 3
- Need for a much more holistic approach throughout the document.

PARTICIPATING ORGANISATIONS

Architectural Heritage Society of Scotland

Association for the Protection of Rural Scotland

Craigengillan Estate, Dalmellington

Edinburgh College of Art

Forestry Commission Scotland

Garden History Society in Scotland

Glasgow City Council

Guidelines

Historic Environment Advisory Council for Scotland

Historic Houses Association for Scotland

Institute of Historic Building Conservation – Scottish Branch

National Trust for Scotland

Peter McGowan Associates

Royal Commission on the Ancient and Historical Monuments of Scotland

Royal Botanic Garden

Scottish Natural Heritage

The Council for Scottish Archaeology

The Scottish Civic Trust