

## 7. HISTORIC ENVIRONMENT



### POLICY INDEX

<b>LP/B1</b>	<b>World Heritage Site</b>	<b>Page 100</b>
<b>LP/B2</b>	<b>Scheduled Ancient Monuments &amp; Sites of Archaeological Importance</b>	<b>Page 102</b>
<b>LP/B3</b>	<b>Conservation Areas</b>	<b>Page 104</b>
<b>LP/B4</b>	<b>Development affecting Listed Buildings</b>	<b>Page 107</b>
<b>LP/B5</b>	<b>Protection of Historic Gardens &amp; Designed Landscapes</b>	<b>Page 110</b>

## 7.1 WORLD HERITAGE SITE

### Structure Plan Context

Key Objective	Relevant Policy or Proposal
<i>To protect and where possible enhance areas of built and cultural heritage interest, together with their settings, and encourage their maintenance.</i>	<i>Policy SP/B2 - World Heritage Site</i>

### Local Plan Policy

#### **POLICY LP/B1**

#### **WORLD HERITAGE SITE**

**The World Heritage Site and its zone of visual influence, as identified on the Local Plan Proposals Map, will normally be preserved. Development that would adversely affect this area will normally be refused. Any significant development proposals affecting the site or its zone of visual influence will require formal environmental assessment to ensure their impacts and implications for the longer term are fully evaluated.**

### Background and Issues

7.1.1 National planning guidance requires the establishment of a clear policy framework together with a comprehensive management plan in order to assist in maintaining and enhancing the quality of World Heritage sites.

7.1.2 The “Heart of Neolithic Orkney” is a World Heritage Site inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the World Heritage List in 1999. Located on the West Mainland, it includes Skara Brae, Maes Howe, the Stones of Stenness and adjacent standing stones and the Ring of Brodgar together with adjacent standing stones and burial mounds.

7.1.3 The areas defined by the Brodgar Rural Conservation Area, the Lochs of Harray and Stenness SSSI, and Loch of Stenness cSAC and the scheduled area at Skara Brae define the inner buffer zone for the World Heritage Site. None of these designated areas were selected to provide a policy framework for the protection and management of the World Heritage Site. As a result, Scottish Natural Heritage and Historic Scotland commissioned a study in 2000. Amongst the outputs of the ‘Landscape Studies of the Heart of Neolithic Orkney World Heritage Sites’ are an identification of the area within which any development is likely to have an impact on the World Heritage Site (the intermediate zone); the definition of a wider setting in which large scale developments would be a consideration; and a context for the capacity assessment of changes associated with the site. The intermediate zone of visual influence as identified within the study is detailed on the Proposals Map.

7.1.4 The purpose of this policy is to protect the designated site and recognise its outstanding international value to both this and future generations. It is also to ensure that the designation of the World Heritage Site is backed up by an appropriate management response, and that development that would have a detrimental effect on the character and setting of the site will not be permitted. The World Heritage Site suffers from a number of problems that affect its intrinsic value, not least amongst these are the conflicts between increasing numbers of visitors to the area together with associated road traffic and the very fabric of the ancient monuments themselves, plus the potential intrusion of new development on the setting of the site.

### Implementation and Monitoring

7.1.5 A Management Plan for The Heart of Neolithic Orkney has been developed by Historic Scotland with input from a local Steering Group (which includes Orkney Islands

Council) and in consultation with the local community, landowners, representatives of the tourist industry and cultural and nature conservation bodies.

7.1.6 The aims of this Management Plan are:

- i. to safeguard the important cultural (and natural) heritage elements of the site by identifying conservation and enhancement works and projects within a sustainable and beneficial approach;
- ii. to inform people about the cultural and educational value of the site;
- iii. to increase their enjoyment of the site; and
- iv. to identify how the economic and cultural benefits of inscription of the site can be used to the advantage of the Orkney community and businesses.

7.1.7 The aims of the management plan require that policies for the positive management of the World Heritage Site and its buffer zones be developed and that appropriate and sympathetic land uses are encouraged within the buffer zones.

7.1.8 The outer buffer zone is not ideally placed to safeguard the setting of the World Heritage Site from unsympathetic development. A revised boundary, the zone of visual influence, is used to demarcate the area of potential impact of individual buildings of any size, structures, roads or other features or any alterations to them. Larger scale developments such as massive, high or conspicuous structures outwith the ZVI may also impact on the World Heritage Site and the intrinsic quality of the ZVI, and these will be considered accordingly.

7.1.9 The policy will be monitored through a periodic visual impact analysis to assess the impact of new development on the World Heritage Site.

## 7.2 ARCHAEOLOGICAL SITES

### Structure Plan Context

Key Objective	Relevant Policy or Proposal
<i>To protect and where possible enhance areas of built and cultural heritage interest, together with their settings, and encourage their maintenance.</i>	<i>Policy SP/B3 - Archaeological Sites</i>

### Local Plan Policy

<p><b>POLICY LP/B2</b></p> <p><b>SCHEDULED MONUMENTS AND SITES OF ARCHAEOLOGICAL IMPORTANCE</b></p> <p><b>a) <u>Sites of Archaeological Importance</u></b></p> <p>There is a presumption in favour of the physical preservation of all scheduled ancient monuments and archaeological sites. Developments that would adversely affect such remains or their settings will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of overriding public need. Development which would affect other sites of archaeological interest not yet included on the Sites and Monuments Record may be permitted after the Islands' Archaeologist confirms that the significance of the remains are not such as to justify their physical preservation when judged against other material considerations and the possible benefits of the development.</p> <p><b>b) <u>Archaeological Investigation and Recording</u></b></p> <p>Where development is permitted in areas known or suspected to contain significant archaeological deposits the following conditions will be placed on the developer:</p> <p>i. prior to the commencement of any development, the developer shall put in place suitable arrangements for appropriate expert assessment, excavation, analysis, archiving and publication of any archaeological remains, to the satisfaction of the Islands' Archaeologist;</p> <p>ii. any recommendations made as a result of these investigations will be acted on by the developer in a manner accepted by the Islands' Archaeologist;</p> <p>iii. any results of findings must be publicised within five years of the development commencing; and,</p> <p>iv. where archaeological remains are to stay in situ developers will be encouraged to agree to provide for long term management, public access and interpretation of the site.</p>
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### Background and Issues

7.2.1 National planning guidance requires Local Plans to include policies for the protection, preservation and enhancement of all nationally important sites of archaeological interest and their settings, together with policies requiring the excavation and recording of sites where the primary aim of preservation has not been achieved.

7.2.2 There are a great number of Scheduled Ancient Monuments in Orkney, with a total of 339 sites (Sept. 2000), ranging from prehistoric times to the 20<sup>th</sup> Century. Of the Scheduled Ancient Monuments, 36 are in the care of the Scottish Ministers, including the components of the World Heritage Site (Maeshowe, Stones of Stenness and adjacent stones, Ring of Brodgar and the ritual and funerary complex around it, and Skara Brae). There are also more than 2000 sites which are listed on the Sites and Monuments Record. It is very important to Orkney that these sites are offered as much protection as possible. In cases where new

development is being carried out, it is essential that any archaeological sites which are discovered are catalogued and recorded correctly. The rich archaeological history, which Orkney possesses, must be preserved.

7.2.3 Areas known to contain significant archaeological deposits include the inner buffer zone of the World Heritage Site, much of the oldest parts of Kirkwall and such sites as may be identified by the Islands' Archaeologist.

7.2.4 The purpose of this policy is to provide protection to the Scheduled Monuments and archaeological sites of Orkney. All applications, which affect the setting, character or amenity of a Scheduled Ancient Monument, are also subject to approval by Historic Scotland.

7.2.5 It should be noted that under the law of *bona vacantia*, all finds from archaeological excavations remain the property of the Crown, until the Queen's and Lord Treasurer's Remembrance or the Chief Inspector of Ancient Monuments within Historic Scotland, as appropriate, has allocated them to the registered museums service deemed appropriate.

7.2.6 For clarification, examples of when over-riding public need would be a factor in determining whether development may take place on a site of archaeological importance are given by the following:

- the benefits of the proposed development in economic and other terms must demonstrably outweigh the importance which attaches to the preservation of the archaeological site in question, taking into account such issues as its statutory or other significance and its potential importance for amenity, tourism and education;
- works required for public safety, or for the safety of aircraft, road traffic or shipping; or,
- works necessary in the interests of national security.

#### **Implementation and Monitoring**

7.2.7 The policies will be implemented through the development control process. Planning applications will be assessed as to whether they are in an archaeological rich area by consultation with the Islands' Archaeologist. The use of Section 75 agreements and planning conditions designed to preserve, protect or record the archaeology will be applied, if appropriate.

7.2.8 Any major new developments, which are proposed, especially in archaeological rich areas, will be subject to scrutiny. The number of sites enhanced, protected or with adequate mitigation strategies for discovery and recording set in place, will be an indicator of the success of this policy.

## 7.3 CONSERVATION AREAS

### Structure Plan Context

Key Objective	Relevant Policy or Proposal
To protect and where possible enhance areas of built and cultural heritage interest, together with their settings, and encourage their maintenance.	Policy SP/B4 – Listed Buildings and Conservation Areas

### Local Plan Policy

<p><b>POLICY LP/B3</b></p> <p><b>CONSERVATION AREAS</b></p> <p>Conservation Areas will be preserved and enhanced by the following means:</p> <p>a) <b><u>Demolition</u></b></p> <p>Development involving demolition will only be permitted if the structure to be demolished makes no material contribution to the character or appearance of the area and detailed proposals for the reuse of the site, including any replacement buildings or other structures, have been approved by the Council. A contract of works to implement the approved redevelopment shall be let prior to commencement of demolition.</p> <p>b) <b><u>Alterations</u></b></p> <p>Proposals to alter an unlisted building within a Conservation Area will only be permitted where the alteration preserves or enhances the character or appearance of the Conservation Area and keeps the building in use. Planning permission will be permitted only where alterations are sympathetic in design, scale, materials, colour and landscaping to the rest of the building.</p> <p>c) <b><u>Change of Use</u></b></p> <p>Changes of use will generally be permitted if they secure the retention of buildings contributing to the character or appearance of the area. New uses should not require any changes in the appearance or setting of the building other than those which will preserve or contribute to the character and appearance of the area and should have no adverse impact on the surrounding area caused through traffic generation, vehicle parking, servicing or noise.</p> <p>d) <b><u>New Development</u></b></p> <p>New development will only be permitted if the scale, form, materials and detailing respect the characteristics of buildings in the area; the plot coverage characteristics; historically significant boundaries; or other elements contributing to the established pattern of development in the area. Open spaces important to the character or historic value of the area and important views within, into and out of the area should be protected and trees and other landscape features contributing to the character or appearance of the area should be retained.</p> <p>e) <b><u>Shopfront Signs and Advertisements</u></b></p> <p>Developments for the alteration or erection of shopfront signs and advertisements will only be permitted if they preserve or enhance the character or appearance of the Conservation Area and are sympathetic in design, scale, materials and colour, to the rest of the building. There will be a preference for the enhancement of original painted lettering and enamelled advertisement signs. Illuminated signs will only be permitted in exceptional circumstances and the preference will be for external illumination.</p>
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**Internally illuminated or neon signs are unlikely to meet the requirements of this policy and will be actively discouraged.**

**f) Grants**

**Town scheme grants may be made available to assist owners in the maintenance of heritage features of their property within the Kirkwall and Stromness Outstanding Conservation Areas. Such grants will be additional to other grants and will reflect the higher cost attributable to maintaining features that contribute to the character of the area. Heritage grants may be made available to owners of listed buildings within the Balfour, St Margaret's Hope, Brodgar and Eynhallow Conservation Areas. Town Scheme and Heritage grants will only be awarded for proposed work that is historically and architecturally correct.**

**g) Conservation Area Appraisals**

**The Council will carry out appraisals/audits to provide a full and detailed analysis and understanding of the heritage resource contained within Conservation Areas. Where necessary, additional design guidance will be produced.**

**Background and Issues**

7.3.1 National planning guidance requires Local Plans to outline criteria to be applied to development proposals within Conservation Areas, including those affecting unlisted buildings.

7.3.2 There are four Urban Conservation Areas in Orkney - in Kirkwall, Stromness, St Margaret's Hope and Balfour, Shapinsay. The island of Eynhallow and the inner buffer zone of the World Heritage area (Brodgar Rural Conservation Area) are Rural Conservation Areas. Kirkwall Conservation Area is an "Outstanding" example of a Norse derived medieval street layout. Contemporary buildings have been erected on the Norse village that developed in the 11th and 12th Century around St Magnus Cathedral. Many of these contemporary buildings, which date from the 17th Century to the present day, have sufficient architectural merit to warrant listing and of the 231 properties within the Conservation Area 77 are listed.

7.3.3 Stromness Conservation Area, also an Outstanding Conservation Area, owes much of its character to the expansion of the whaling port in the 17th and 18th centuries, and use of the area as a port of call for east coast shipping traffic. 92 of the 217 properties in the Stromness Conservation Area are listed.

7.3.4 St Margaret's Hope Conservation Area like Stromness owes its form to the boom days of the 17th and 18th Century. Of the 68 properties within the Conservation Area only 4 are listed individually.

7.3.5 Balfour Village Conservation Area is a planned settlement built by the Balfour estate in the 18th Century to house estate workers. As such it has a different character from the other Conservation Areas, comprising single terrace of cottages terminated at either end by two storey houses. It contains two notable structures, Balfour Lodge and a folly of uncertain use at the east end of the Conservation Area. All 24 properties within the designated area are listed.

7.3.6 Brodgar Rural Conservation area was designated to preserve the amenity and setting of the Brodgar and Maeshowe monuments and has subsequently been used to define the inner buffer zone of the World Heritage Site. Eynhallow Rural Conservation Area, likewise, was designated to ensure control over a heritage landscape. While development pressures may be different in these rural conservation areas, control over design afforded by the policy is similar, particularly in the preservation of the setting of the World Heritage Site.

7.3.7 The purpose of this policy is to preserve and enhance the character and appearance of the existing Conservation Areas while at the same time taking account of the need for these areas to function successfully as places for social and economic activity. The policy provides a framework for the regulation of development within the County's Conservation

Areas. While greatly increased demands are placed on developers to accord with the design style prevalent within the area, grants are made available to offset the financial cost.

7.3.8 The materials used in the best buildings throughout the Conservation Area are similar. Walls are commonly exposed picked and pointed stonework, wet harled or, less commonly, harled with a lime based mortar. Roofs are generally of Caithness slate, grey or Welsh slate, with stone skewes and cast iron rainwater goods. Windows are predominantly painted wooden sliding sash and case.

7.3.9 Modern materials such as UPVC windows, asbestos slate roofs, and dry dash rendering are sometimes found in the designated areas. An Article 4 direction was approved in 1989 to control the indiscriminate use of modern materials by removing from permitted development rights regarding enlargement and external alteration. The intrusion of shop signs in inappropriate materials has been identified as erosive to the character of the Conservation Areas, and as a result an 'Area of Special Advertisement Control' designation was imposed on all four Conservation Areas, restricting the size of adverts on business and shop premises and prohibiting their illumination. Material change to shopfronts requires planning permission, while the erection of advertisements requires consent under the Advertisement Regulations and, if on a listed building, Listed Building Consent.

7.3.10 A design guide has been produced by the Department of Development and Protective Services to assist owners of properties in Conservation Areas. Since their inception in 1986 a total of £238,000 has been awarded by grant through the 'Town Scheme'. A further £83,000 has been granted to listed buildings in Conservation Areas since 1979 through the Heritage Grant Scheme. Stromness has been the main recipient of grant, receiving £156,000 with Kirkwall receiving £145,000 and St Margaret's Hope £18,000.

#### **Implementation and Monitoring**

7.3.11 In any pre-planning application discussions, developers who wish to develop within Conservation Areas will be made aware of the restrictions imposed by the above policy and the opportunities afforded by the Town Scheme and Heritage Grant schemes. All applications for development within conservation areas will be subjected to rigorous appraisal to ensure the proposal accords with the aims and objectives of the conservation area designation. Developers may be asked to provide additional information in the form of a visual impact assessment to support their proposal.

7.3.12 Monitoring of the efficiency of this policy will be through periodic qualitative assessment of the townscape within conservation areas.

## 7.4 LISTED BUILDINGS

### Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>To protect and where possible enhance areas of built and cultural heritage interest, together with their settings, and encourage their maintenance.</i>	<i>Policy SP/B4 – Listed Buildings and Conservation Areas</i>

### Local Plan Policy

<p><b>Policy LP/B4</b></p> <p><b>DEVELOPMENT AFFECTING LISTED BUILDINGS</b></p> <p>There is a presumption in favour of the retention of listed buildings and structures.</p> <p>a) <b><u>Demolition</u></b></p> <p>Development involving the total or partial demolition of a listed building or special architectural or historic feature within its curtilage will only be permitted if all the following criteria are met:</p> <ol style="list-style-type: none"> <li>i. it can be demonstrated beyond reasonable doubt that it is not practicable to continue to use the building for its existing or a previous purpose and that there is no other viable use for the building;</li> <li>ii. the character or appearance of the building will be improved by partial demolition or demolition of features within its setting;</li> <li>iii. where the site is not immediately to be redeveloped, demolition and the creation of a cleared site will not adversely affect the setting of any other listed building, or the character of a street or Conservation Area within which the building sits; and,</li> <li>iv. where redevelopment immediately following demolition is proposed, the redevelopment proposals are appropriate for the site, have received planning permission and a contract for works has been let.</li> </ol> <p>b) <b><u>Extensions and Alterations</u></b></p> <p>Development involving proposals to extend or alter a listed building, or any feature of special historic or architectural interest which contributes to the reasons for its listing will not be permitted unless it would preserve and/or enhance the building, its setting and/or any features of special architectural or historic interest the building possesses.</p> <p>c) <b><u>Change of Use</u></b></p> <p>A change of use of a listed building or part thereof will generally be granted permission if its character and features of special architectural or historic interest are preserved or enhanced. Changes of use are to be particularly welcomed where they involve a new economic use in a building unable to retain its original use, is vacant and at risk of deteriorating and where the proposal creates a new and viable use which safeguards its future and reasons for being listed. To enable an assessment of the acceptability of such proposals, applications should include details of all intended alterations to the building and its curtilage, and demonstrate how they preserve or enhance its appearance, character and setting.</p> <p>d) <b><u>New Development</u></b></p> <p>Proposals for development will not be permitted if they harm the setting of a listed building by virtue of their location, scale, design or landscaping.</p>
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## Background and Issues

7.4.1 National planning guidance requires Local Plans to outline the criteria that will be applied to proposals for the alteration, extension, demolition or reuse of listed buildings.

7.4.2 In Orkney there are 19 properties covered by "A" listing, 301 by "B" listing and 133 by "C (S)" listing. These are distributed throughout the County as follows:

	Category A	Category B	Category C(S)
Kirkwall & St Ola	7	165	33
Stromness	0	27	65
Birsay & Harray	1	13	3
Sanday & North Ronaldsay	1	12	0
Eday	0	1	0
Evie & Rendall	1	5	0
Firth	0	4	0
Holm	0	5	0
Hoy & Graemsay	1	3	0
Orphir	2	3	5
Westray & Papa Westray	1	11	0
Rousay, Egilsay & Wyre	2	6	0
St Andrews & Deerness	0	9	2
Sandwick	1	2	2
Shapinsay	0	11	19
South Ronaldsay & Burray	0	13	2
Stenness	0	2	2
Stronsay	0	4	0
Walls & Flotta	2	5	0

(Source Historic Scotland 1998)

7.4.3 The Scottish Civic Trust produces the "Buildings at Risk Register" which identifies particular historic buildings at risk from neglect. In Orkney 19 "B" listed and 3 "C(S)" listed buildings are identified as being at risk. This represents 6.3% and 2.2% of all B and C listed buildings respectively. A further 14 unlisted buildings of merit which are also at risk are identified by this register.

7.4.4 The policy aims to ensure the retention of both the stock and quality of buildings of architectural or historical interest while at the same time ensuring that the development aspirations of those who own listed buildings can be accommodated.

7.4.5 The most common development affecting listed buildings in recent years has been the sub-division of single buildings into numerous flats, although such changes have not, in general, affected the external appearance of the buildings. While greatest pressure for redevelopment is within the towns of Kirkwall and Stromness, the stock of rural listed buildings is most at risk from neglect and disrepair, and re-use of these buildings will require imagination and substantial finance.

7.4.6 Some non-domestic rural listed buildings have found been converted to create new uses, such as visitor centres, such as Skail House, and the Boardhouse Mill, Birsay, but the scope for this kind of redevelopment is small. A number of former water mills and kirks have been converted into dwellings, although many remain in a derelict and critical condition.

7.4.7 While sustaining our built heritage necessitates firm control of development affecting the appearance and setting of listed buildings, it is accepted that new and innovative uses are necessary to ensure that their long-term survival is assured. It should be noted that the granting of listed building consent is subject to approval by Historic Scotland.

## **Implementation and Monitoring**

7.4.8 Applications for planning permission and Listed Building Consent which impact upon a listed building will be given rigorous scrutiny to ensure that the proposal accords with the principles set out above and in the Memorandum of Guidance on Listed Buildings and Conservation Areas (Historic Scotland 1998), the document to which all planning authorities are directed by Scottish Office Development Department Circular No.13/1998 in their consideration of conservation and listed building consent.

7.4.9 All applications will be assessed to ensure they do not have an adverse impact on the setting of a nearby listed building. Developers may be asked to provide a visual impact analysis or other assessment to satisfy the Council that there will be no adverse impact on listed buildings.

7.4.10 The gross number of listed buildings as compared to those on the Civic Trust's 'Buildings at Risk' register will be used to monitor the health of the stock of listed buildings within the County. Buildings considered by the Council to be at risk, which are not on the Register, will be brought to the Trust's attention.

## 7.5 HISTORIC GARDENS

### Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>To protect and where possible enhance areas of built and cultural heritage interest, together with their settings, and encourage their maintenance.</i>	<i>Policy SP/B5 – Historic Gardens and Designed Landscapes</i>

### Local Plan Policy

<p><b>POLICY LP/B5</b></p> <p><b>PROTECTION OF HISTORIC GARDENS AND DESIGNED LANDSCAPES</b></p> <p><b>The character and features of historic gardens or designed landscapes and their settings will be preserved and enhanced. Development that would adversely affect these areas will not be permitted. Their conservation, maintenance and restoration will be encouraged, and the restoration of layout and features supported, where this is appropriate and based on thorough and complete historical research.</b></p> <p><b>Tree Preservation Orders will be considered to protect trees in such areas from removal or damage that would prejudice their integrity.</b></p>
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### Background and Issues

7.5.1 National planning guidance requires Local Plans to include policies for the protection, conservation and enhancement of the historic environment and its settings.

7.5.2 An inventory of historic gardens and designed landscapes in Scotland is compiled and maintained by Historic Scotland and Scottish Natural Heritage. A historic garden is defined as one making a significant contribution to the setting of a listed building, or listed in the Inventory of Historic Gardens and Designed Landscapes. A designed landscape is an extensive area of land specifically designed to provide enhanced amenity from specific viewpoints or buildings or is listed in the Inventory. Currently only one site in Orkney, Melsetter House on Hoy, is included in the Inventory. Two further sites, Balfour Castle and Skaillet House, are proposed for inclusion. Other examples of designed landscapes worthy of protection include Tankerness House; Happy Valley, Stenness; Woodwick House, Rendall; Binscarth Woods, Firth; Westness House, Rousay; and Trumland, Rousay. Other sites may be identified and added to this list in future.

7.5.3 The purpose of this policy is to prevent new development harming the character of traditional historic gardens or designed landscapes and to ensure their integrity is maintained.

7.5.4 Removal of trees in such landscapes can have a major impact on the character. As this is not considered to be 'development' under planning legislation, additional protection through the designation of Tree Preservation Orders may be necessary to protect the character of such areas from unsympathetic tree removal.

### Implementation and Monitoring

7.5.5 This policy will be implemented through scrutiny of applications affecting such areas. The number of applications approved for development affecting these areas will be monitored, and ad hoc monitoring of the character of the identified designed landscapes will take place to ascertain the need for further protection.

7.5.6 The effect of proposed development on an historic garden or designed landscape is a material consideration in the determination of a planning application. There is an obligation on the Council to consult Historic Scotland and SNH on development likely to affect Inventory Sites (both current and any that may be added during the life of the Local Plan).