

**THE SCHEDULED MONUMENTS (APPEALS)
(SCOTLAND) REGULATIONS 2015**



**HISTORIC ENVIRONMENT SCOTLAND (HES) APPEAL RESPONSE FORM
FOR APPEALS CONCERNING SCHEDULED MONUMENTS**

For completion by HES in connection with appeals under Sections 1C, 4B and 9C of the Ancient Monuments and Archaeological Areas Act 1979

Regulation 5(2): The HES response, copy of documents and suggested conditions (if any) must be provided to DPEA **within 21 days** of being notified of the appeal

Please note that the text boxes throughout this form are limited. Please use the additional information section if required, or attach additional information on a separate word document when submitting by email.

**Address/location
of appeal site**

Postcode

HES ref:

DPEA ref:

1. HES CONTACT

Please provide the following information about the official who will be lead contact regarding the appeal:

Name:

Role/Job title:

Postal address:

Telephone no:

Fax no:

E-mail address*:

* In general, DPEA contact with HES will be by **e-mail**.

2. NOTIFICATION REQUIREMENTS OF HES

Scheduled Monument Consent and Scheduled Monument Designation Appeals

Regulation 6 requires HES to notify interested parties that an appeal has been made. The notice must include the information set out in regulation 6(2), and be given **not later than 14 days** following notification of the appeal.

Date of notice to interested parties:

(Please provide one copy of this notice and, where relevant, the newspaper advertisement.)

Please indicate the number of interested parties here:

(You must provide DPEA the original letter of representation and if more than 50 interested parties, please provide a list of names/addresses.)

Scheduled Monument Enforcement Notice Appeals

Regulation 17 requires HES to give notice of the appeal to each person on whom the enforcement notice was served (other than the appellant), including the matters set out in regulation 17(2), **not later than 14 days** following notification of the appeal.

Date of notice to each person served the notice of appeal:

3. CONSULTATION RESPONSES

Please provide details of the **consultations** carried out by HES here. *Please also include details of any body or person HES would have consulted before making a decision, had the appeal not been lodged (i.e. for appeals against non-determination).*

Consultee

Response? Objection?

4. MATTERS RELEVANT TO THE APPEAL

Regulations 5(2), 16(2) & 18(4) require HES to send to DPEA and the appellant, a note of matters it considers require to be taken into account in determining the appeal. Please do so here and include any other matters that you consider relevant to this case.

5. DOCUMENTS BEFORE HES

Please provide a list and copies of all documents which were before HES and which were taken into account in reaching the decision on the application/decision to issue the notice/decision on the monument's designation which is the subject of appeal. *Note: DPEA cannot accept links to any website in place of the formal submission of documents.*

6. DESIGNATION DESCRIPTION

Please confirm below you are providing a copy of the entry in the Schedule which is the subject of the appeal.

7. CONDITIONS (Scheduled Monument Consent Appeals only)

State any conditions which HES considers should be imposed in the event that consent is granted.

8. APPEAL PROCEDURE

Regulation 10 enables the Scottish Ministers, or the appointed person, to determine the appeal following an initial exchange of information (as set out in regulations 3 to 6).

On some occasions the appointed person may consider further procedure to be necessary, to examine any specific matters, before reaching a decision. This is your opportunity to indicate what procedure HES considers is most appropriate for the handling of this appeal.

- 1** Review of all relevant information provided by yourself and other parties only, with no further procedure
- 2** Inspection of the land subject of the appeal
- 3** Further written submissions on specific matters
- 4** Holding of one or more hearing sessions (i.e. round table discussions) on specific matters
- 5** Holding of one or more formal inquiry sessions on specific matters

** You can suggest a combination involving more than one further procedure, if necessary*

If you have marked boxes 3,4 or 5, please explain here which of the matters (as set out in your statement above) you believe ought to be the subject of that procedure, and why.

9. SITE INSPECTION

If a site inspection is held do you have any views on whether it should be accompanied or unaccompanied? Please give reasons.

10. OTHER MATTERS BEFORE THE SCOTTISH GOVERNMENT

Related Cases

Are there any other applications or appeals or other planning matters relating to the scheduled monument currently being considered by Scottish Ministers?

If yes, please give details here (include any Scottish Government reference where appropriate):

11. ADDITIONAL INFORMATION

12. CHECKLIST

Please confirm that this form and the documents attached* comprise HES's full submission on the appeal, as required by regulation 5(2), 16(2) & 18(4) of the Scheduled Monuments (Appeals) (Scotland) Regulations 2015:

(a) HES Response: a note of the matters that HES considers should be taken into account in determining the appeal, and by what procedure (or combination of procedures) they think these should be examined.

(b) Documents: a copy of the documents (other than those specified in the appellant's list of documents, materials and evidence) which were taken into account by HES in reaching its decision.

(c) Conditions: where applicable, the conditions which HES considers should be imposed in the event that consent is granted.

*Note: Copies of documents can be submitted to DPEA as electronic attachments, zip files, or on a CD and all documents must be clearly named and referenced. Alternatively we can accept documents in hard copy. DPEA cannot accept links to documents held on any website as part of this submission.

This form and all supporting documents should be sent to:

E-mail: dpea@gov.scot

Post: Directorate for Planning and Environmental Appeals
Hadrian House
Callendar Business Park
Falkirk
FK1 1XR

You must also send this form and the supporting documents to the appellant (or agent) – contact details are on the front page of the appeal form.

May 2022