



SCHEDULED MONUMENT ENFORCEMENT NOTICE APPEAL TO SCOTTISH MINISTERS

UNDER SECTION 9C OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
AGAINST A SCHEDULED MONUMENT ENFORCEMENT NOTICE ISSUED BY HISTORIC ENVIRONMENT SCOTLAND
SCHEDULED MONUMENT (APPEALS) (SCOTLAND) REGULATIONS 2015

The appeal must be received by the Directorate **before the date** on which the enforcement notice is specified to take effect.

Please use a separate form for each appeal against each different enforcement notice.

Please enclose a copy of the enforcement notice with your appeal and fill in the details below in **BLOCK CAPITALS** if completing in manuscript

<u>Appellant(s)</u>	<u>Agent (if any)</u>
Name	Name
Address	Address
Postcode	Postcode
Contact Tel No 1	Contact Tel No 1
Contact Tel No 2	Contact Tel No 2
Fax No	Fax No
*E-mail	*E-mail
	Mark this box to confirm all contact should be through this representative

*Do you agree to all correspondence regarding your appeal being sent **by e-mail**? Yes No

Details of notice served by Historic Environment Scotland (HES)

Alleged breach specified in the notice

Monument affected (name and full address)

Date of issue of enforcement notice

Date enforcement notice was served on the appellant (date received)

Date on which the enforcement notice is specified to take effect

What is your interest in the monument?

Owner

Occupier

Tenant

Lessee

None of the above. If so, please state your interest below

GROUNDS OF APPEAL

Please tick which of the following you think apply to your case. You may tick more than one box.

Note:- the grounds of the appeal are fully set out in section 9C of the Ancient Monuments and Archaeological Areas Act 1979.

Please refer to the notes for appellants for guidance.

- (za) That the monument is not of national importance
- (a) That the matters alleged to constitute a contravention of section 2(1) or (6) have not occurred.
- (b) That those matters (if they occurred) do not constitute such a contravention.
- (c) That -
 - (i) works to the monument or land were urgently necessary in the interests of safety or health,
 - (ii) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter, and
 - (iii) the works carried out were limited to the minimum measures immediately necessary.
- (ca) that scheduled monument consent ought to be granted for works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.
- (d) That copies of the notice were not served as required by section 9B(4).
- (da) Except in relation to such a requirement s is mentioned in section 9A(3)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the monument or land to its condition before the works were carried out.
- (e) That the period of compliance for any works or steps falls short of what should reasonably be allowed.
- (f) That the steps required by the notice for the purpose of restoring the character of the monument or land to its former state would not serve that purpose.
- (g) That the cessation of any works required by the notice exceeds what is necessary to remedy the contravention of section 2(1) or (6).
- (h) That steps required to be taken by virtue of section 9A(3)(b) exceed what is necessary to alleviate the effect of the works executed to the monument or land.
- (i) That steps required to be taken by virtue of section 9A(3)(c) exceed what may be reasonably required to bring the monument or land to the state in which it would have been if the scheduled monument consent had been complied with.

FACTS IN SUPPORT OF EACH GROUND OF APPEAL

Please write your arguments in support of each ground of appeal you have ticked, in the space below (It is not sufficient to merely tick the grounds in the previous section).

List of documents/evidence

Provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal and ensure that the documents are clearly numbered (If necessary, this can be continued or provided in full on a separate document).

Appeal Procedure

The person appointed to determine your appeal will decide the procedure to be used. In general, a decision will be made based on your appeal documents and HES's response. In some cases the appointed person may require further procedures to gain more information on specific matters before reaching a decision. This is your opportunity to indicate what procedure you think is most appropriate for the handling of your appeal. (See Notes for Appellants)

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

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

If boxes 3, 4 or 5 are checked, please explain below which of the matters (as set out in your statement above) you think should be subject to that procedure, and why. (Use additional pages if necessary.)

Site Inspection

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your opinion:

Can the site be viewed entirely from public land?	Yes	No
Is it possible for the site to be accessed safely, and without barriers to entry?	Yes	No
Will the reporter need to enter the property to see the works?	Yes	No
Are there any biosecurity issues that affect the site? <i>(for more information on biosecurity, please see the site inspection section in the notes for appellants)</i>	Yes	Yes

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here:

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

Other Appeals

Have you made any other appeals to Scottish Ministers concerning this monument? Yes No

If yes, please give details, including our appeal reference numbers (if known):

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents/evidence relevant to your appeal:

Enforcement notice issued by Historic Environment Scotland, which is the subject of your appeal

Full completion of all parts of this form

Full statement of appeal

All documents, materials and evidence which you intend to rely on

The Scottish Government routinely publishes all documents relating to each appeal on its website at www.dpea.scotland.gov.uk. You must advise DPEA if there are particular reasons why you think any document you have provided cannot be published.

Declaration

I appeal to the Scottish Ministers as set out on this form and supporting documents. I can confirm that I have today sent a copy of my appeal to the Planning Authority.

Signed

Date

If you take part in the appeals process, use DPEA websites, contact the division or attend a webcast, the DPEA may collect certain information about you. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](#).

This form and all supporting documents should be sent to:

E-mail: dpea@gov.scot

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

Contact Tel: 0300 244 6668

It, and any documents not already with HES, should also be sent to:

HMappeals@hes.scot

FAO Heritage Management Directorate
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

0131 668 8716

Using the "Submit by Email" button creates an email prepopulated with the DPEA and HES email addresses where you can attach additional documents before sending.